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[ OUR TAKE ]

## SC joins battle to protect children

An expansive judgment on child pornography plugs legal loopholes, offers a curative framework to deal with the crime

**T**he battle against sexual exploitation of children received a boost on Monday as the Supreme Court judgment that held that viewing in private, storing and possessing sexually explicit material involving minors, all constitute a crime under the Protection of Children from Sexual Offences (POCSO) Act and the Information Technology Act. The apex court's order, which overruled a Madras high court judgment that held mere possession or storage of "child pornography" was not an offence under the law, also took an expansive view of the issue and offered a curative framework to deal with it.

There are multiple takeaways from the judgment authored by Justice JB Pardiwalla. One, the Court has said that the term "child pornography" is a misnomer and suggested that it be replaced by "child sexual exploitative and abusive material" or CSEAM. This change should remove any ambiguity about the heinous nature of the crime and frame it as an act of violence against children — pornography involving adults at times may be consensual, which does not constitute a crime unlike in the case of minors. In the Court's words, "Child sexual exploitation is one of the most heinous crimes imaginable, and the offence of child pornography is equally as heinous if not more, as in the latter the victimisation and exploitation of the child do not end with the initial act of abuse. It, in essence, turns the singular incident of abuse into a ripple of trauma-inducing acts where the rights and dignity of the child is continuously violated each time such material is viewed or shared". Two, the Court has spoken about "constructive possession" to bring the act of viewing child pornography without having physical possession of it (for instance, watching on streaming platforms on devices) under the ambit of law. The Court has held that parts of POCSO and IT Acts be interpreted accordingly to plug loopholes so that offenders do not take advantage of technology to circumvent legal barriers erected against the trading and consumption of CSEAM. Three, the Court recognises that weaponising the law alone is insufficient to deal with CSEAM crimes. The order speaks about the need for better societal understanding of the sexual exploitation of children, prescribes "positive sex education" for better awareness about these crimes, and calls for a compassionate approach towards the victims of violence.

The onus is now on the legislature and executive to implement the Court's vision. A larger conversation in society and administrative action — from appointing an expert panel to devise health and sex education programmes to raising awareness about POCSO — should help raise the bar against CSEAM crimes.

## Women's stories, as mainlined by cinema

**L**aapataa Ladies has been picked as India's official entry for the Oscars ahead of *All We Imagine as Light*, which won the Grand Prix at Cannes earlier this year. This decision has sparked a controversy, given that *All We Imagine as Light*, with a prestigious global award already under its belt, may have had a better chance to be nominated for the Academy Awards. Be that as it may, there is a larger message in how the debate has boiled down to two sensitively told stories — of women, made by women. *Laapataa Ladies* centres around two very young brides in the Hindi heartland dealing with a traumatic situation while staking all to keep their hopes alive. *All We Imagine as Light*, on the other hand, is a lambent exploration of female friendship and care through the lives of three nurses.

Two are part of a larger trend seen in Indian films that have women, especially from rural areas or at the peripheries of the "cosmopolitan" metros, as protagonists. These women question patriarchy in settings that mirror the dominant social and cultural mores of real life. Think *Sandhya from Paggait*, *Badru from Darlings*, or *Mahima from Kathal*. Women-centric films, in the past, were mostly relegated to the fringes of mainstream cinema, if not pigeonholed as arthouse productions. *Laapataa Ladies*, *All We Imagine as Light* and the others in this league represent a welcome shift.

This shift perhaps reflects a chum at the grassroots where women are marking out their space, even in matters as fundamental as economic independence and political agency. That said, while we celebrate these films, the Indian cinema industry needs to stay in step by turning its gaze inwards in light of the Hema Committee report on Malayalam cinema.

## In Sri Lanka, a vote for change, political reform

Voter disillusionment with the traditional political elite is behind the rise of the NPP. But to build an inclusive Sri Lanka free from ethnic and religious tensions, president Dissanayake needs to gain the trust of Tamils and Muslims

**A**nura Kumara Dissanayake, leader of the National People's Power (NPP), was sworn in as the new executive president of Sri Lanka on Monday at the Presidential Secretariat, a location deeply symbolic as the epicentre of the 2022 Aragalaya (struggle) protest movement, which played a key role in ousting former president Gotabaya Rajapaksa. Dissanayake, who had secured only 3% of the vote in the 2019 presidential election, made a historic leap to win 42% in the election held on September 21, marking one of the most significant surges in political popularity. This dramatic increase in support reflects the growing influence of the protest movement and the public's demand for change. Many credit the Aragalaya for playing a pivotal role in Dissanayake's rise, positioning him and the NPP as a viable alternative to the traditional political ruling class.

The NPP is a coalition formed under the leadership of the Janatha

Vimukthi Peramuna (JVP), a leftist party that Dissanayake currently leads. The JVP, founded in 1965, has a history of attempting to seize power through armed insurrections in 1971 and 1988-89, both of which were met with brutal reprisals. Despite these setbacks, the party survived and rebranded itself in the early 1990s, re-entering the democratic process as a vocal opposition force.

While the JVP's presence in parliament has historically been minimal, it gained a reputation for exposing corruption and incompetence within the ruling elite. Its image as an uncorrupted political movement resonated with parts of the electorate, though it struggled to gain the widespread trust necessary to govern.

In recent years, however, the NPP — through coalition-building with civil society organisations — has transformed the JVP's image and broadened its appeal. Under Dissanayake's leadership, the once inward-looking JVP became a more dynamic organisation, welcoming a variety of social groups and views. For instance, the NPP became the first political party in Sri Lanka to include LGBTIQ+ rights in its election manifesto. More importantly, the party's focus on anti-corruption, economic and social justice, and economic reform has resonated with voters disillusioned by decades of mismanagement under the traditional political ruling class, the United National Party (UNP) and the Sri Lanka Free-

dom Party (SLFP).

Since Sri Lanka's independence in 1948, the political landscape has been dominated by the UNP and SLFP (recently, majority of UNP formed a new party, Samagi Jana Balawogaya led by Sajith Premadasa and the majority of the SLFP formed Sri Lanka Podujana Peramuna led by Mahinda Rajapaksa), both of which were founded by members of the Sinhala elite. These parties built vast patronage networks, exchanging jobs, welfare, and resources for political loyalty. This patron-

client system fostered political dependency, limiting the electorate's development of an issue-based political consciousness.

For decades, these networks allowed the UNP and SLFP to maintain their grip on power, despite growing dissatisfaction. Corruption, nepotism, and inefficiency were rampant, but voters often remained loyal to these parties due to the tangible benefits they received. Additionally, both the UNP and SLFP have historically used nationalism and religion as tools to consolidate power, often stoking Sinhala-Buddhist nationalism to secure the majority's support and deepen divisions along ethnic and religious lines.

The Aragalaya movement in 2022 marked a significant departure from this traditional political culture. Fueled by public outrage over the country's economic collapse and the perceived incompetence of the ruling elite, the movement captured the frustrations of a generation that felt



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The views expressed are personal



Anura Kumara Dissanayake's victory, driven by public demand for an end to decades of misrule, marks a turning point for Sri Lanka

betrayed by the status quo. The success of the movement in ousting President Rajapaksa, and Dissanayake's subsequent rise, signals a shift in the political landscape, with voters increasingly demanding meaningful social change.

Dissanayake's victory, driven by public demand for an end to decades of misrule, marks a turning point for Sri Lanka. However, as the new executive president, Dissanayake faces the monumental challenge of governing a nation still mired in economic crisis. Some political commentators believe that the NPP has demonstrated both the will and capability to lead Sri Lanka toward development by prioritising equitable economic policies and good governance, with a strong focus on modernising institutions and addressing the root causes of corruption and inefficiency. The NPP is well-positioned to drive reforms and foster long-term national growth.

The NPP's election manifesto also advocates for a more neutral and balanced foreign policy, allowing Sri Lanka to engage constructively with major powers while avoiding over-reliance on any single country. For India, a balanced Sri Lanka means a more stable neighbour that can maintain regional peace and security.

The question now is whether Dissanayake and the NPP can turn their promises of reform into tangible improvements for the people of Sri Lanka, or whether the forces of the old political order will regroup and resist the change. However, with the patronage networks dismantled and the traditional elite's political legitimacy weakened, it is unlikely they will be able to reorganise quickly.

Meanwhile, the NPP's growing popularity suggests it may form a relatively strong government after the upcoming parliamentary elections. Translating their policies into concrete social change will depend largely on their ability to secure a parliamentary majority. To build an inclusive Sri Lanka free from ethnic and religious tensions, as they have pledged in their manifesto, the NPP will need to gain the trust of northern and eastern Tamils, Muslims, and Malayala (Tamil) communities. Although winning over these communities, who have experienced decades of broken promises from Sinhala-majority political parties, will be challenging, the NPP's political preparedness makes this a difficult but not impossible task.

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## Semiconductor deal with the US a big strategic boost

**T**he chip and the ability to miniaturise computing power determined victory in the Cold War. Now, it will again establish the strategic haves and have-nots of the 21st century. Just as industrial-age armaments made sure that you never ran out of ammunition, in the digital age you will need chip fabrication (fab) strength to make sure that you do not run out of chips. Ascendancy in every critical domain of modern, electronic warfare hinges on the sufficiency of quantity and quality of chips.

The salience of the meeting between Prime Minister Narendra Modi and United States (US) President Joe Biden in Delaware last week, where the two leaders hailed a watershed arrangement to establish a new semiconductor fabrication plant in India that will be focused on advanced sensing, communications, and power electronics for national security, next-generation telecommunications and green energy applications, is to be read against this backdrop. The fab, which will be established with the objective of manufacturing infrared, gallium nitride and silicon carbide semiconductors, will be enabled by support from the Indian Semiconductor Mission as well as a strategic technology partnership between Bharat Semi, 3rdTech, and the US Space Force.

The agreement will help to take India's nascent capacities in chips and micro-electronics not only towards self-sufficiency but also to a new, game-changing high.

As of 2024, global semiconductor sales stand at a staggering \$526.8 billion, with concurrent stimulating around \$7 trillion in global economic activity annually. These also underpin a range of downstream applications in Artificial Intelligence (AI) and big data. Also, since semiconductors power virtually every modern device, it means industries/enterprises with access to the most sophisticated semiconductors enjoy a significant advantage when it comes to the ability to manufacture the most innovative products.

In 2023, India's import of chips was pegged at \$10 billion. Rather unflattering, while 20% of the global semiconductor manpower is located in India, India has always been a back-end design and services hub for almost 30% of Indian talent. It means India lacks the back office of foreign companies. Currently, the entire Indian defence ecosystem relies on

imports. Bharat Electronics alone spends close to ₹1,800 crore every year on the import of semiconductors. The aggregate military-industrial complex in India spends over \$5,000 crore annually on semiconductor imports. The new US-India fab arrangement, therefore, could be a turning point in converting our abstract strategic dependencies into a historic opportunity for strategic autonomy.

A peep into the nuances of the arrangement points to the monumentality of the achievement. India's Bharat Semi and 3rdTech (the latter is a product essentially of the ministry-of-defence-driven iDEX enterprise, and therefore a feather in its cap) have inked a collaboration with the US Space Force to build the first, Indo-US semiconductor fab with a focus on national security. This historic agreement will see the US military — the developers of niche capacities in semiconductors — provide the technological enablement, while India's commercial fab to be set up in India. This fab, in turn, will focus on critical facets of prowess in modern warfare, such as advanced sensing, communications, and power electronics.

The calculus in fact goes beyond national security; it encompasses next-generation telecom infrastructure and the humongous challenge of the green energy transition. The ambitious run deeper — to develop a framework of state-of-the-art semiconductor technologies that help lubricate partnerships like Quad, in the wider Indo-Pacific, possibly, even in the Global South, as a source of a secure, trusted, and resilient supply chain for friends and partners.

The very name of the company — Bharat Semi — is more than symbolic. Drawing from Article 1 of the Constitution of India, the aspiration is to build an Indian deep tech technology behemoth, albeit one with an international visage, a strategic asset that India could wield in the pursuit of its interests. It could also be the first step towards making India a defence powerhouse — if seven out of 20 most promising defence primes in the globe today, are Chinese, how often would some Indian competition too?

What is of even greater significance perhaps is the fact that the infusion of start-ups, the private sector, and an entrepreneurial drive in India defence have begun to bear fruit. The iDEX initiative, signed by Modi and Biden in 2022, laid out a very clear vision of unleashing the private sector and start-ups in the two democracies, to uncover possibilities and forge partnerships in critical technologies. The agreement could be the beginning of a perfect storm in such collaborative endeavours. It may also be legacy building for both leaders — Modi for his audacious moves that have led to rare access to hitherto denied technologies and Biden for making good on his promise.

The signing of the agreement will go down in history as a symbol of the coming of age of Indian statecraft, in the debt accomplishment of an extraordinarily ambitious and game-changing deal. We might consider celebrating this day as *Aamir Khusro's* Day of unity to take our aspirations in strategic military self-reliance to new heights of achievement and delivery.

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MASOUD PEZESHKIAN | PRESIDENT OF IRAN



**Hezbollah cannot stand alone against a country that is being defended, supported and supplied by western countries, by European countries, and the US**

## Driving EV climate gains needs rethink on charging

India has made major strides in battery-powered electric vehicles (EVs) over the past two years or so. From a 0.6% share in vehicle sales in 2018-19, EV sales (excluding buses) now account for 7.2%. We are now steadily closer to the double-digit mark. As per projections by other organisations, such as the International Energy Agency, the future looks bright too. Should we, therefore, be confident about achieving significant greenhouse gas (GHG) emission reduction from transport? A major policy objective of transitioning to electric mobility is to decarbonise road transport that contributes to about 12% of India's energy-related carbon dioxide emissions. And as in all complex problems, the devil is in the details.

The benefit to climate by EVs in India is conditional. Prima facie, the absence of tailpipe emissions in EVs means reduction in direct vehicular carbon dioxide emissions. However, switching to EVs leads to shifting the energy source to a fleet of power plants. The greenness of power supply varies by country. In India's case, fossil fuels meet as much as three-fourth of the country's electricity requirement. Therefore, whether EVs can decarbonise India's motorised road transport should be properly evaluated. Relying on simplified methodologies can misrepresent the true climate impact of electric mobility. The share of renewable energy, particularly solar and wind, in India's power supply mix varies significantly throughout the day, influencing emissions associated with EV charging at different times. Current approaches also ignore the variability in EV charging patterns. Factors like vehicle use-case, travel characteristics, and availability of charging infrastructure influence when and where EVs are charged. Owing to the varying charging pattern, EVs may avoid GHG emissions significantly and deliver limited climate dividends or consume even more carbon space depending on their charging alignment with periods of high renewable energy availability.

Current comparison between select EV and conventional vehicle models fail to capture the diversity of vehicle energy performance within and across vehicle segments. This can lead to misleading generalisations about the overall impact of EV adoption. The inherent energy efficiency advantage of electric drivetrain over internal combustion engine across two-wheeled and three-wheeled vehicles, passenger cars, and buses is well established. However, the emissions advantage of EVs diminishes when factoring in the annual average carbon burden of India's grid electricity. That the majority charges EVs during evening or

overnight, thereby increasing reliance on coal-based power and limiting any emission gains, is an eye-opener.

In the present scenario, charging during the day can potentially avoid nearly 10% extra emissions than during the evening, which is significant at a sector level. As the grid electricity mix becomes more solar dominated, the time-of-day emissions profile of EVs will get skewed further. Therefore, ensuring climate gains from EVs needs serious thinking.

This calls for coordinated action from policymakers, industry stakeholders, and consumers. First, by altering EV charging with greener hours through time-of-day electricity tariffs (pricing electricity at lower rates during periods of high renewable energy supply) to incentivise EV charging to follow regional contours. Furthermore, providing access to smart charging sync with travel patterns and mainstreaming battery swapping as a charging solution that gives the flexibility to charge EV batteries during daytime without requiring the EVs to be parked for that period. Second, nudging production and marketing of more efficient EV models by making energy labelling mandatory for traction battery packs and systems. Moreover, setting more explicit and implicit fiscal incentives under Finance Corporate Average Fuel Economy (CAFE) enforcement cycles with expanded scope (currently applicable to passenger cars only). Last, coupling EV charging infrastructure with distributed renewable energy resources like solar photovoltaic panels through innovative renewable-energy-as-a-service mechanisms that enable procurement of renewable energy from off-site locations. One does not have to face practical difficulties (like limited space for installation and impact of shading in generating solar energy on-site. End-of-life batteries can be an affordable and sustainable energy storage solution at charging stations for storing energy from renewable energy resources and delivering this clean electricity to charge EVs during evening and nighttime.

By adopting this three-pronged strategy, India can harness the potential of EV transition to curb transportation emissions and drive its mobility to a sustainable future. Not to forget, the government has offered quite significant explicit and implicit fiscal incentives through subsidies and preferential tax-treatments to promote EV adoption. It is in the national interest to make these supports count.



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## Visit wrap-up

The Modi U.S. visit announcements will see New Delhi being put to the test

Prime Minister Narendra Modi's three-day visit to the U.S. was marked by high-level meetings that had a three-part focus. He spent one day at the Quad and in bilateral meetings with U.S. President Joseph Biden, a day in New York with business leaders and the diaspora, and another day at the UN and in bilateral meetings. The Quad Summit, delayed due to political cycles in the four member countries, was more substantive than expected for a farewell meeting (Mr. Biden and Japan's Fumio Kishida will soon demit office). The joint statement was noted for its sharp language on Chinese aggression in the South China Sea, as well as on Russia's invasion of Ukraine, where the leaders upheld the UN charter on sovereignty and territorial integrity. The announcement of initiatives aimed at countering Chinese actions will no doubt raise Beijing's ire: a "Quad-at-Sea Ship Observer Mission" for 2025, a Maritime Initiative for Training in the Indo-Pacific (MAITIP) and a "maritime legal dialogue" to support the "rules-based order". However, India's hesitation in joining other Quad militaries in contested waters in the Pacific Ocean remains, and India's presidency of the Quad next year will show whether those are overcome. Quad countries also committed to a "Cancer Moonshot" to fight cancer, an initiative that can draw lessons from the troubled Quad vaccine initiative. India and the U.S. were able to announce progress on many strategic fronts including a military partnership for semiconductor fabrication and India acquiring predator drones. However, the ties faced unspoken tensions over the lingering effect of the Panmun case, including summons issued for NSA Ajit Doval in a civil suit and a White House meeting with Sikh activists who have campaigned against India – all before Mr. Modi's arrival. The message from Washington appears to be that the Panmun case cannot be overlooked.

Mr. Modi's message at the UN as well as in bilateral meetings with leaders including Ukrainian President Volodymyr Zelenskyy was watched closely given recent moves hinting at India's involvement in a peace process. While Mr. Modi gave no further indication of such a plan, his discussions with Mr. Zelenskyy centred around a possible second peace summit. At a diaspora event, Mr. Modi said that India is now a "strong voice" of the Global South, and was taking up the concerns of the developing world on the conflict with the global leadership. At the UN "Summit of the Future", he added that the success of humanity would depend on its "collective strength, not in the battlefield". The next few months will see New Delhi tested not only on those lofty ideals and ambition for peace but also on actualising the many announcements made during the visit.

## It is an offence

Court has done well to clarify law on online content showing child sex abuse

The Supreme Court of India's clear delineation of the penal consequences of accessing or storing sexual material concerning children is in complete consonance with the letter and spirit of the Protection of Children from Sexual Offences (POCSO) Act. Demonstrating an enlightened approach to the social questions that arise from the proliferation of online content featuring sexual exploitation of children, a three-judge Bench has not only clarified the law but also drawn pointed attention to the legislative intent of presuming the culpable mental state of a person accessing and viewing such material. The Court has also advocated that the term 'child pornography' be avoided in both the law and in court verdicts, as it appears to trivialise the enormity of the offence of exploiting children to create and disseminate sexual material to gratify the perversions of a few. Instead, the Court has suggested that such content be described as 'Child Sexual Exploitative and Abuse Material' (CSEAM). The verdict also lays to rest doubts over what exactly some provisions of the Information Technology Act, 2000, and POCSO Act say on the subject, as High Court verdicts have differed on their exact implications. The case arose from a Madras High Court judgment that quashed a criminal case against an individual who had viewed sexual content involving children on the ground that the law only criminalised creating and disseminating such content, and not merely watching it in the private domain. The apex court has now set aside the High Court order.

Invoking the doctrine of "constructive possession", it has ruled that any act of viewing or displaying of child pornographic material over the Internet without actual possession or storage in any device would also amount to "possession", made punishable under Section 15 of POCSO, provided the person had a degree of control over such material. Further, an intent to share or transmit such material can also be inferred from any failure to delete, destroy or report such material. It has cautioned courts against narrow interpretation of some provisions so that the legislative intent of penalising cyber-offences relating to children is not defeated. It has drawn attention to Section 67B of the IT Act, terming it a "comprehensive provision" to penalise various electronic forms of exploitation and abuse of children online. The Court has reminded platforms and intermediaries of their duty to remove such content as well as report it to police units concerned. Its advice to the government to implement comprehensive sex education programmes that include the legal and ethical ramifications of child pornography merits immediate attention.

# A break from the past, a new beginning in Sri Lanka

The swearing-in of Anura Kumara Dissanayake as Sri Lanka's new elected President on September 23, 2024, marks a new beginning of historical significance. It symbolises a dramatic shift in the class bases of political power – from a privileged minority of Colombo-centric, westernised elites to a broad coalition of non-elite social forces. If Sri Lanka's electoral democracy since its independence in 1948 had guaranteed the dominant elites unbroken continuity in political power, it has now produced a break with the past; a moment of the magic that democracy and free and fair elections can occasionally produce. Significantly, the election outcome also marks a peaceful and bloodless transfer of power. The new President obtained his popular mandate with the promise of overhauling a corrupt and rotten system of government that had remained the birth right of the privileged social classes for nearly seven decades. The class monopoly of political power that has been institutionalised through democracy has now been ruptured by the demos themselves.

### Transition and political rise

The National People's Power (NPP), the political movement which Sri Lanka's new President leads, has a short but transformative history. It was formed in 2019 as an electoral front of the Janatha Vimukthi Peramuna (JVP-People's Liberation Front) with a moderate and centrist reform ideology. Mr. Dissanayake was the NPP's presidential candidate in that year. Until 2019, he was leading the JVP. The JVP had been formed in the 1960s, which was the period of the New Left throughout the world. The JVP emerged as a Left radical underground movement with a commitment to armed struggle to establish a South Asian version of revolutionary socialism. Parallel to similar radical movements in other parts of South Asia, the JVP's early ideology and political programme was influenced by Marxism and Maoism.

The JVP tried out two armed insurrections in 1971 and 1987-89. After the costly defeat in the last armed struggle, a new generation of JVP leaders, who abandoned the goal of socialism through the armed struggle, transformed the JVP into a parliamentary party. Mr. Dissanayake belongs to this new band of 'JVP-ers' committed at the time to the goal of socialism through electoral and parliamentary politics.

The JVP's transition to democratic politics did not bring much success in terms of parliamentary seats. In most instances, it remained a small opposition party. Its experiments with forming electoral alliances with the two main parties, the Sri Lanka Freedom Party (SLFP) and United National Party (UNP), did not enable the JVP to secure its goal of being a 'third force' in Sri Lanka's dominant two-party system. The formation of a socially broad-based and ideologically non-dogmatic NPP in 2019 was the JVP leadership's response to this political



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The political space for Anura Kumara Dissanayake and the National People's Power also flows from the impact of the 2022 'Aragalaya' or 'the citizens' protest movement

deadlock it repeatedly encountered.

Despite the NPP's participation in the presidential election in 2019 and parliamentary elections in 2020, it could secure only a little over 3% of votes and three parliamentary seats.

### Catalysed by two developments

The NPP's rapid rise to become a major political force, weakening the traditional UNP and SLFP, and successfully making claims to be the new ruling party in 2024 is a direct outcome of two developments. The first is the economic crisis exacerbated by the COVID-19 pandemic of 2020. The second is the deep social and political crisis that exploded as the *Aragalaya* or 'the citizens' protest movement, of 2022.

Meanwhile, the management of the debt crisis since 2023 by the Sri Lankan government, by means of a harsh austerity programme as prescribed by the International Monetary Fund, created widespread social discontent and anger against the Ranil Wickremesinghe administration. People saw the new tax policies and the dismantling of the welfare programmes as policy measures that benefited the rich and the wealthy business classes while exacerbating the crisis of the economic survival of the poor and the middle classes.

Growing poverty, income inequalities and increasing social polarisation between the haves and have-nots have generated a clear shift in the people's political loyalties – away from the traditional elite parties. It is in this context that the NPP's reform proposals for a corruption-free and pro-poor government could secure a positive response in urban and rural electoral constituencies.

The political space for Mr. Dissanayake and the NPP to have emerged as a leading reformist political force so rapidly within two years had already been created by the *Aragalaya*. Its powerful slogan of 'system change' and the hopes it envisioned for a new generation of politicians, committed to eliminating corruption, cronyism and tyrannical government, fitted perfectly well with the NPP's agenda of reforming Sri Lanka's politics, political culture and practices of governance. Thus, Mr. Dissanayake's victory is a slightly delayed political outcome of the *Aragalaya*.

The NPP's rapid journey to become Sri Lanka's newest ruling party has also coincided with the consolidation of the Samagi Jana Balawegaya (SJB-United People's Force) as the leading opposition party. The combined presence of the NPP and the SJB in Sri Lanka's parliamentary and electoral politics signals the onset of a major transformation of Sri Lanka's political party system as well. The UNP, SLFP and the Sri Lanka Podujana Peramuna (SLPP), the three main political parties founded and managed by the political class of Sri Lankan elites, have been so weakened that they can remain only as small opposition parties.

Thus, the emerging frame of political

polarisation in Sri Lanka appears to be between the NPP and SJB – the SJB filling the space for a right-wing party caused by the decline of the UNP as a mass party.

### Getting down to business will not be easy

The new President will have a set of unusual challenges and tasks before him. Since he has only three Members of Parliament in Parliament, holding early parliamentary elections is a major imperative for the new President. To form his own government, the President is likely to form a caretaker cabinet. Headed by the President, the caretaker cabinet will have three other Ministers. The dissolution of Parliament is most likely to occur before or next week so that an election can be held ideally in late-November.

To consolidate his government, the new President will need a comfortable parliamentary majority, of over 113 MPs. The presidential election has clearly exposed a major lacuna in his electoral base. The NPP has a rather weak presence in the districts with sizeable Tamil and Muslim ethnic minorities. The fact that Mr. Dissanayake's victory has been ensured primarily by Sinhalese voters is an issue that demands early corrective action. Making the NPP ethnically pluralistic will enable the NPP government to be inclusive of all Sri Lanka's ethnic and cultural communities, while also securing a clear parliamentary majority.

Two other tasks will test the resolve and capacities of the new President and his government. The first is about repaying the external debt while taking the country's economy back to the path of rapid growth, this time with social justice and equity as normative social goals. This will call for a re-working of the austerity programme which the previous government has agreed with the IMF. This is the only way to prevent the recurrence of social discontent and protests by vast sections of the affected people.

The second is about purifying public life and the culture of governance. Mr. Dissanayake won the presidency on the strength of hopes he had generated for a corruption-free system of government. Eradicating corruption is easier said than in an election campaign than actually done after the election because corruption is a highly institutionalised, internationalised and sophisticated vocation. Yet, the issue of corruption will be a crucial test of the new President's political success as well as his credibility.

What the people seem to expect from the new President is a new beginning that will lead to a 'genuine change' (*saba wenasak*, in Sinhala). At the presidential election, Sri Lanka's people took the first major step in that direction by effecting an unusually radical change in who governs. It is now up to President Dissanayake and his NPP government to prove that they – representatives of the non-elite social classes – are better rulers and better democrats with greater sensitivity to people's expectations for 'genuine change'.

# The NCrf as a framework for well-rounded education

Cognitive inconsistency and axiomatic irrationality become evident when a few put forth the view that the spirit behind and the structural reforms advocated by the National Education Policy (NEP) 2020 are unsuitable. The NEP is a vision document that provides a broad contour of how education can be transformed in India while getting away from the clutches of the colonial mindset. The National Credit Framework (NCrf) is one of several transformative reforms that are derived from the NEP, providing a flexible template for educational institutions offering school, higher, vocational, and skill education. Using the NCrf, higher education institutions (HEI) can give a unified accumulation and transfer of credits across multidisciplinary education, including skill education. The NCrf is an enabling framework rather than a regulatory one.

### More flexibility for students

When HEIs adopt the NCrf, students can earn credits in various activities provided they undergo an assessment. The NCrf gives students the flexibility to earn credits from classroom teaching, laboratory work, Atal Tinkering Laboratories, research projects, assignments, tutorials, sports and games, yoga, the performing arts, music, handicrafts, social work, National Cadet Corps and National Service Scheme activities, vocational and skill education, minor and major projects, on-the-job training, internships, apprenticeships, and experiential learning. Providing flexibility and broad-based educational opportunities through the NCrf has unnerved some who are deeply rooted in the conventional ways of imparting higher education.

The position of those few who remain bafflingly immune to the dynamic and forward-looking nature of the NEP 2020 is inherently "problematic". Their dismissive attitude towards the curriculum changes based



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The National Credit Framework (NCrf) aims to help higher education institutions balance vocational and skill training and knowledge-generating academic pursuits

on the NCrf shows their unwillingness to understand India's societal, technological, and educational needs. This is precisely why India's higher education system should steadfastly remain dynamic and relevant to the country's needs to avoid the risk of becoming obsolete.

In keeping with the inevitable rapid economic and technological changes, the NCrf aims to help institutions remain flexible and competitive. Keeping the current and future evolution of job requirements, there is only one solution – revise the curriculum so that it is in tune with the NCrf. HEIs should demonstrate their capacity to adapt to the evolving new situations by bridging the skill mismatch so that the career prospects of students are not hindered.

Any view that HEIs should remain the place for the sole purpose of training students only to become knowledge producers is an outdated and obstinate refusal to see the reality. In the modern world, HEIs, besides being havens of knowledge, must equip students with the skills and the competencies needed for emerging roles and self-employment. However, such a dual role is possible only when HEIs adopt the NCrf and allow students to pursue their academic and career goals.

### Continuous adaptation is the key

Let us not promote an elitist brand of higher education by not supporting reforms in higher education; these reforms are necessary for the democratisation of education and social equity. HEIs must continuously adapt and reinvent themselves in response to changing circumstances. Having a few hinder efforts in transforming higher education in HEIs can lead to a stagnation and compromise the effectiveness of our institutions.

The NEP 2020 also advocates the multidisciplinary education and research university (MERU) concept. The focus of such

HEIs would be to serve as nurseries for scholars and intellectuals. However, such universities should not be considered an end in itself, and many other HEIs should also focus on vocational and skill training to enhance the employability of students.

When students acquire practical skills and knowledge through a flexible curriculum – as envisaged in the NCrf – higher education will become a tool for students to increase their social mobility. Those opposing structural changes in higher education advocate fossilised pedagogical approaches that do not align with the new economic realities and social aspirations.

### On vocational and skill training

Depending on the nature of HEIs, institutions can lay emphasis on vocational and skill training, focus on fundamental research, innovation, and intellectual pursuits, and ensure that knowledge production and skill training coexist as deeply interconnected processes. The bottomline is that those who acquire vocational and skill training can be as impactful as those who produce new knowledge. Therefore, there is no need to fallaciously overemphasise or deride one over the other as both are important.

The primary objective of the NCrf is to help HEIs balance vocational and skill training and knowledge-generating academic pursuits so that HEIs play a pivotal role in shaping individual futures and societal progress.

We must reimagine our higher education

curricula by integrating flexibility and

multidisciplinary and skill-based courses to

transform India into an economic powerhouse

and technological leader. Those who oppose this

flexibility in higher education curricula and insist

that universities should become elitist only show

their unreasonable and outdated view.

The views expressed are personal

## LETTERS TO THE EDITOR

### Israeli strikes

Israel's attack on Lebanon, killing hundreds of innocents including women and children, is shocking. Tel Aviv seems emboldened by an indifferent world to unleash attacks on the pretext of self-defence. With the superpowers preferring to wait and watch, the UN is

turning out to be practically ineffective.

K.S. Venkatchalam,  
Kajipatti, Palakkad, Kerala

### The leprosy fight

Leprosy, a long-lasting infectious disease, if not detected and treated early, leads to disability. It is still prevalent. But Jordan has

become the first country globally to have eliminated leprosy – a momentous achievement that was confirmed by the World Health Organization on September 19, 2024. Jordan's success is the result of years of public health campaigns, early detection, free treatment

and community education. Its achievement spells hope for the rest of the world to

put an end to this stigmatised ancient affliction. India has to learn

### Corrections & Clarifications

The ninth paragraph of a report, "A battling [Hui] and Shreyas take India-D to a strong position" (Sport page, September 22, 2024) erroneously mentioned Saubrah Kumar to be an off spinner. He is a left arm orthodox spin bowler.

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from Jordan even though it is free from this disease, according to WHO criterion – less than one case per 10,000 population. But the existence of the disease in the population in small numbers is a public health challenge.

Dr. V. Purushothaman,  
Chennai



## Navigating cross border insolvency

The adoption of cross-border insolvency laws is vital to international trade. Integration of cross-border regimes into a nation's legal ecosystem is considered the hallmark of sound insolvency laws. Besides providing legal certainty, they also improve the health of trading entities with cross-border operations, thereby benefiting investments and international trade.



Anil Baxi

Visiting Fellow at Research and Information System for Developing Countries, New Delhi. Views are personal

## Implementing the Model Law

The debate on implementing harmonised laws to deal with cross-border insolvency has, therefore, been active. Since the late 1990s, the UN Commission on International Trade Law (UNCITRAL) has endeavoured to implement its Model Law developed on four pillars (access, recognition, cooperation, and coordination) across nations. Its potential benefits have been recognised in several countries, including India, by the Bankruptcy Law Reform Committee while drafting the Insolvency and Bankruptcy Code (IBC), 2016, as well as the Indian government (Economic Survey, 2022).

However, progress on the adoption of the Model Law has been slow. As per UNCITRAL, only 60 countries have adopted it. Further, there have been variations in its implementation (given its non-binding nature), with nations tailoring the same to their requirements by including reciprocity/public policy exceptions clauses.

India is also yet to adopt the Model Law despite several committee recommendations on the subject. As per reports, a decision on the same has been likely deferred again. The Union Budget, while in support of improving the IBC's efficiency through technology augmenting judicial infrastructure, was also silent on this issue. At present, India relies on limited provisions, which allow bilateral agreements on a case-by-case basis for cross-border

There is a need to integrate perspectives on the importance of insolvency laws with global trade in multilateral or bilateral routes

insolvencies. These have been seen as ad hoc and inadequate.

In parallel, in the last few years, India has been executing Free Trade Agreements (FTAs), Comprehensive Economic Cooperation Agreements (CECAs), Partnership Agreements (CEPAs) and their equivalents. As per the Commerce Ministry, India has signed such agreements with more than 54 countries. The Ministry describes FTAs as arrangements between countries to reduce or eliminate tariff/non-tariff barriers on substantial trade with the scope of covering areas such as intellectual property rights (IPRs) and investments. Similarly, CECAs/CEPAs are described as more integrated agreements on goods, services, and investments while including broader areas such as trade facilitation and cooperation. Therefore, examining how these agreements capture insolvency is relevant.

## Insolvency provisions

However, despite growing FTAs/CEPAs and their importance to trade, they lack detailed cross-border insolvency provisions. While FTAs are relatively limited in scope, CEPAs/CECAs are said to be "more ambitious and look at deeper regulatory aspects of trade" (Commerce Ministry). However, in their present form, most contain only general disputes or trade remedy clauses. It can be argued that FTAs facilitate trade, which leads to calls for cross-border insolvency laws. However, such laws are a vital ingredient of international trade, and relevant clauses need integration in agreements, pending the adoption of any harmonised law.

As regards the Model Law, while well recognised, the ground-level verdict is not out on whether it is the optimum solution, easily implementable in countries with diverse economic/legal regimes. There have been alternate perspectives from some scholars, noting that international treaties, frameworks,

and protocols can be tailor-made to address individual cases. These may be effective while complementing the existing system.

After signing four new FTAs (2021-2024), India is working on similar agreements with several nations (Economic Survey, 2024). Hence, pending adoption of Model Law, there is little reason why such FTAs cannot cover insolvency. There can be complementary integration of cross-border provisions in FTAs/equivalents. In their present form, these agreements capture disputes, IPRs, and even sustainability, but mostly ignore insolvency. If CECAs/CEPAs are conceptualised to capture deeper regulatory aspects, why can they not cover insolvency dimensions?

Interestingly, the vacuum is not found only in bilateral/regional agreements but even in some important World Trade Organization reports, which omit an explicit discussion of cross-border insolvency while discussing factors influencing the future of trade. Thus, there is a need to integrate perspectives on the importance of insolvency laws with global trade in multilateral or bilateral routes. Specifically, FTAs are incomplete without cross-border dimensions.

Therefore, there needs to be a more ingrained appreciation of the importance of sound insolvency laws for international trade. FTAs (and their equivalents) need to factor in appropriate mechanisms to weather the consequences of insolvency of trading entities. This would only strengthen the edifice of FTAs being signed by India. This may also form part of the government's agenda of framing SOPs for FTAs. While the practical feasibility of interlinking insolvency with FTAs is best assessed by the Commerce Ministry, the Insolvency and Bankruptcy Board, and legal experts, considering the reality of insolvency with cross-border ramifications, the sooner these issues are addressed, the greater the benefits to India's trade.

## From optics to delivery

Making pre-poll guarantees is not enough; accountability is important

## STATE OF PLAY

Sowmya Kidambi  
Nikhil Dev

In recent Lok Sabha and Assembly elections, the Congress effectively used the language of 'guarantees' to emphasise delivery of its social sector promises. This perhaps pushed the BJP to offer promises saying they were 'Modi ki Guarantee'. Eventually, the use of this language of 'guarantees' boils down to the citizens' quest for effective delivery. In Telangana, the guarantee of transparency, effective delivery, and accountability has become a focus of attention of the State government and the people. It is clear that launching schemes and budget provisioning is only half the story.

In December 2023, the Congress won the Assembly elections in Telangana. It replaced the BRS, which had been in power for more than nine years. The BRS, which claims credit for giving birth to the State, lost for many reasons. The most glaring was the distance that had developed between the people and the administrators. This was symbolised by a lack of transparency, accountability, and the failure to develop grievance redress mechanisms.

The Congress gave confidence to the people that its government would be a people's government and that there would be 'praja palana' (people's rule). The optics of this were quickly achieved by re-naming Pragati Bhavan, the camp office of the Chief Minister, which was previously seen as the symbol of unaccountability, as Jyothirao Phule Praja Bhavan. It was opened to the public for the first time. As it rolled out the Praja Palana schemes, aided by desks to ac-



cept applications for its six pre-poll guarantees, and also promised to sort out grievances in a time-bound manner, the Congress government received immediate praise.

However, for any government to successfully implement its pre-poll promises, a robust, transparent, and effective mechanism of citizen monitoring is required, where a person applying can track the status of their application and have any related grievance redressed. A public hearing in Hyderabad on August 9, organised by a cross-section of citizens groups examining the long tale of unresolved grievances in the State, revealed how well-intentioned programmes can get mired in inertia and lead to dissatisfaction. A subsequent dialogue with senior officers dealing with public grievances in the State (Pragati Bhavan) and the Praja Palana platform revealed systemic shortcomings. This dialogue, followed by a meeting with the Chief Minister, has raised hope that a systemic solution will be found including the recording of grievances (with dated receipts); public facing digital tracking systems monitored by a team at the Chief Minister's Office; regular mandal-level public hearings; designated grievance redress officers for time-bound 'action taken' reports; and appellate mechanisms including provisions for penalties and compensation.

People need full and easy access to all information. The

previous regime was hostile to the Right to Information Act (RTI), 2005, and proactive disclosure. Despite its publicised open data portal, most data sets are hidden behind administrative logins and are accessible only to the government. In fact, no Government Orders were put out in the public domain after 2014, undermining the first step of transparency in governance.

A party instrumental in passing the RTI Act needs to reclaim and build on its legacy. Section 4 (suo moto disclosure) of the Act needs to be implemented in letter and spirit in the State. One of the finest examples of a truly transparent mandatory open data portal is the flourishing Jan Soochna portal, developed together by the government and civil society in Rajasthan, during Ashok Gehlot's tenure. This has since been adopted by the Karnataka government and is called Mahiti Kanaja.

However, democratic governance goes beyond transparency. It is acting upon every violation of promises made that delivers the message. People reward action, punish inaction, and want promises to be kept. Their expectations are high – expectations that this ruling party raised during its election campaign. To deliver on the expectations, the spirit of Praja Palana and Pragati Bhavan will have to be made an integral part of law and policy in the State. A social accountability law, modelled on the 2011 National Grievance Redress Bill, should be enacted immediately. It should change the verbal guarantees into 'guaranteed by law'.

Sowmya Kidambi is former Director of Society for Social Audit, Governments and Andhra Pradesh and Telangana. Nikhil Dev is a social activist and a founder member of the Mazdoor Kisan Shakti Sangathan.

## Gukesh and Arjun reach stratospheric heights

The performances by the Indian youth in the Chess Olympiad match those of all-time greats

## DATA POINT

Srinivasan Raman

India secured two gold medals – one in the open category and the other in the women's category – at the 45th Chess Olympiad in Budapest. This was not only the country's best performance at the most prestigious team event in chess, but it also featured some superlative individual performances. This article will focus only on the open section.

The Chess Olympiad has been played since 1927. For years, the erstwhile Soviet Union dominated the event and later Russia did. In terms of individual performances, the creative genius Mikhail Tal leads all players in win percentage (81.2%) among those who played at least four Olympiads for their federation in the open section (Table 1). Tal won five individual gold and two silver medals and helped the USSR win eight gold medals. His compatriot, former world champion Anatoly Karpov, who went on to represent Russia later, has a win percentage of 80.3% – three individual golds and six team golds. Garry Kasparov, reckoned to be one of the top three all-time greats, is listed seventh with a win percentage of 78.7% – three individual golds and eight team golds.

The above table only looks at the winning percentage and does not account for the strength of the opposing players. This is measured by the 'performance ELO rating' or ELO, calculated based on the player's ELO rating and that of his opponent. ELO data is available from the 1972 Olympiad.

When all the players for whom the ELO is available in the open section in each Olympiad are ranked (Table 2), India's D. Gukesh stands out. His ELO of 3056 is the best-ever performance by an individual in an Olympiad since 1972. Only those players who have played at least five games in a sin-

gle Olympiad have been considered for this list. Gukesh managed to score 9 points in 10 games on Board 1, which is the toughest. That is why the equally worthy performance of his compatriot, Arjun Erigaisi, on Board 3, earning him 10 points in 11 games, got him a slightly lower ELO of 2968. Only Andrei Volokitin of Ukraine managed a better ELO than Arjun, though he did so on Board 5, the lowest board, in the 2016 Olympiad. Other prominent players such as Kasparov (in 2002) and Vladimir Kramnik (in 1992) are also featured in this list.

Chart 3 plots the total games played by each player against their ELO. Only players with an ELO of 2500 and who have played 10 games or more are shown. If ELO is considered across Olympiads (since 1972) and we try to find out the strongest-ever performance, Gukesh (currently World No. 5 in the ELO live ratings) and Arjun (World No. 3) stand out. However, they have only played in two Olympiads (21 and 22 games each). Kasparov played in 82 games across multiple Olympiads and registered a stellar ELO of 2806 (only the third player to have an average above 2800). Kramnik's ELO was 2787 in 90 games.

Gukesh's opponent in the forthcoming World Championship in Singapore, Ding Liren from China, might have had an underwhelming tourney in Budapest, but he still maintains an ELO of 2783 in 46 games. World No. 1 Magnus Carlsen has borne the burden of leading a somewhat weak Norway team in the 68 games he has played and his ELO of 2764 is underwhelming relative to his own ELO (2830 currently).

Other stellar ELOs are owned by the U.S.'s Fabiano Caruana (2752 in 79 games), Bulgaria's Veselin Topalov (2748 in 85 games), Ukraine's Vasyl Ivanchuk (2742 in 90 games) and the U.S.'s (and previously Armenia's) Levon Aronian (2738 in 97 games).

## The new and old kings of the Olympiad

The data for the tables and charts were sourced from OlimpBase and RIDE

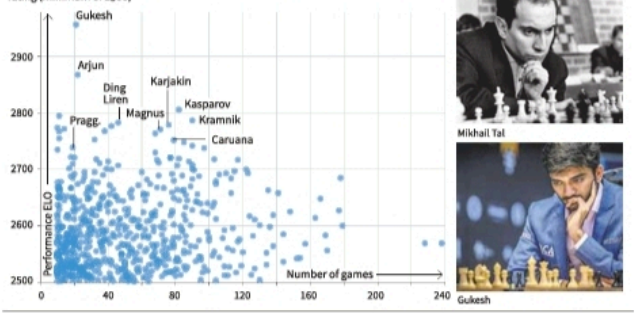
Table 1: Players who played in at least four Olympiads are listed according to their winning % (top 10). In the table, Ind.: Individual

| Player      | Country | Olympiad | Games | % win | Ind.  | Team  | Player      | Country      | Olympiad | Games | % win | Ind.  | Team  |
|-------------|---------|----------|-------|-------|-------|-------|-------------|--------------|----------|-------|-------|-------|-------|
| M Tal       | USSR    | 8        | 101   | 81.2  | 5,2,0 | 8,0,0 | D Bronstein | USSR         | 4        | 49    | 79.6  | 3,1,0 | 4,0,0 |
| A Karpov    | USSR    | 6        | 68    | 80.1  | 3,0,0 | 6,0,0 | G Kasparov  | USSR/Rus.    | 8        | 82    | 78.7  | 3,1,2 | 8,0,0 |
| T Petrosian | USSR    | 10       | 129   | 79.8  | 6,0,0 | 9,1,0 | A Alekhine  | France       | 5        | 72    | 78.5  | 2,2,0 | 0,0,0 |
| I Kashdan   | U.S.    | 5        | 79    | 79.7  | 2,1,2 | 3,1,0 | Matulovic   | Yugoslavia   | 6        | 78    | 76.9  | 1,2,0 | 0,2,2 |
| V Smyslov   | USSR    | 9        | 113   | 79.6  | 4,2,2 | 9,0,0 | Paul Keres  | Estonia/Rus. | 10       | 141   | 75.9  | 5,1,1 | 7,0,1 |

Table 2: Top 15 performances in a single Olympiad (min. 5 games). Data only since 1972

| Year | Board | Name (Federation)       | ELO  | Points | Games | ELO  |
|------|-------|-------------------------|------|--------|-------|------|
| 2024 | 1     | D. Gukesh (IND)         | 2764 | 9      | 10    | 3056 |
| 2016 | 5     | Andrei Volokitin (UKR)  | 2647 | 8.5    | 9     | 2992 |
| 2024 | 3     | Arjun Erigaisi (IND)    | 2778 | 10     | 11    | 2968 |
| 1992 | 1     | Vladimir Kramnik (RUS)  | 2590 | 8.5    | 9     | 2958 |
| 2002 | 1     | Garry Kasparov (RUS)    | 2838 | 7.5    | 9     | 2933 |
| 2016 | 5     | Sami Khader (JOR)       | 2373 | 8      | 8     | 2932 |
| 2004 | 6     | Sergey Karjakin (UKR)   | 2576 | 6.5    | 7     | 2929 |
| 2016 | 1     | Baardur Jobava (GEO)    | 2665 | 8      | 10    | 2926 |
| 2018 | 3     | Jorge Cori (PER)        | 2664 | 7.5    | 8     | 2925 |
| 2014 | 3     | Yu Yangyi (CHN)         | 2668 | 9.5    | 11    | 2912 |
| 1992 | 1     | Garry Kasparov (RUS)    | 2780 | 8.5    | 10    | 2908 |
| 2016 | 2     | Vladimir Kramnik (RUS)  | 2808 | 6.5    | 8     | 2903 |
| 2022 | 3     | David W.L. Howell (ENG) | 2650 | 7.5    | 8     | 2898 |
| 2016 | 3     | Wesley So (USA)         | 2782 | 8.5    | 10    | 2896 |
| 2010 | 2     | Emil Sutovsky (ISR)     | 2665 | 7.5    | 9     | 2895 |

Chart 3: Chart plots games played (minimum ten games) versus player's performance ELO rating (minimum of 2500)



## FROM THE ARCHIVES

## The Hindu

FIFTY YEARS AGO SEPTEMBER 25, 1974

## India and Portugal agree to establish ties

New York, Sept. 24: India and Portugal have decided to re-establish diplomatic relations, healing a rupture which had persisted ever since India became independent 27 years ago.

After a 90-minute meeting here to-day between India's External Affairs Minister, Mr. Swaran Singh, and the Portuguese Foreign Minister, Mr. Mario Soares, the two Ministers subscribed to a communique which said the two countries had agreed to hold in the immediate future meetings between their representatives aimed at implementing the agreement reached to-day to re-establish Diplomatic and Consular relations, and for concluding a cultural agreement.

The communique added that the new Portuguese Government, which had overthrown the remnants of the Salazar regime in Lisbon earlier this year, was ready to recognise the full sovereignty of India over the former Portuguese territories of Goa, Daman, Diu, Dadra and Nagar Haveli, which had become part of the territory of India following their liberation from the Portuguese colonial rule in 1961.

For its part India as in the case of the former French territories, has agreed to co-operate with Lisbon for the promotion of Portuguese language and culture and for the preservation of historical monuments in Goa and other former Portuguese possessions.

A HUNDRED YEARS AGO SEPTEMBER 25, 1924

## Madras Telephone Directory

The Madras Trades Association having complained to the Madras Telephone Company Limited of errors in the current edition of the Telephone Directory, the Company wrote thanking the Association for calling their attention to the errors. They noted, however, that the errors were for the most part of the order of a comma instead of a full-stop or vice versa, and would not, therefore, prevent subscribers when consulting the Directory from obtaining the correct numbers. The Company agreed, however, with the Association that there should be improvement in the printing and promised to take such steps as they hoped would minimise all the errors of the type referred to by the Association in future publications.



# THE IDEAS PAGE

## Tech diplomacy 4.0

Modi government's progress with the US is not the first time Delhi has put technology on the top of its agenda. But today, domestic, external factors are coming together to facilitate a deepening partnership



**RAJA MANDALA**  
By C RAJA MOHAN

WHICHEVER WAY ONE cuts it, there is no missing the centrality and intensity of technological cooperation in Prime Minister Narendra Modi's just-concluded visit to the United States. Technology has been at the centre of Modi's bilateral interactions with President Joe Biden, the ministerial summit of the Quad leaders, his interaction with the US CEOs, and the address to the United Nations Summit of the Future.

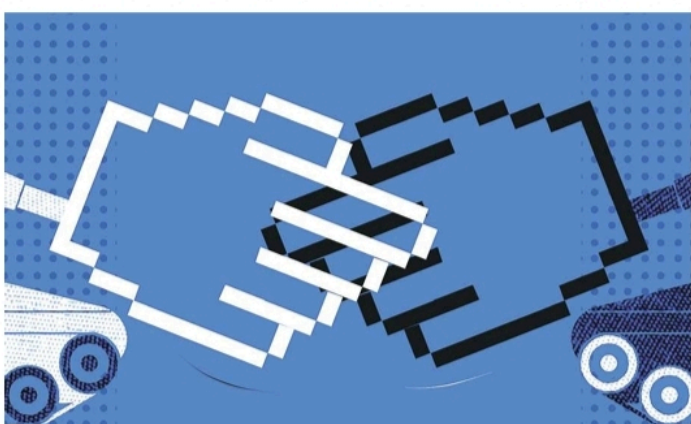
The outcomes from the PM's technology diplomacy are expansive — you have to be a real nerd to go through the long joint statements issued by the PM in the bilateral with Biden and the Quad — and the technology work to absorb the meaning of the range of new initiatives. They cover areas ranging from semiconductors to biotechnology, telecom to artificial intelligence, clean energy to quantum computing, and small and modular nuclear reactors to robotics. They cover both advanced civilian and military applications and are bound to contribute to the modernisation of India's techno-industrial base.

This is not the first time though that technology has figured at the top of India's national strategy and diplomacy. There have been at least three earlier occasions in independent India's history when technology took centre-stage. Each of those phases ended without a realisation of India's full possibilities because internal and external factors had severely constrained technology strategies. Today, the domestic and the external are coming together to turn the fourth phase of India's technology diplomacy into a consequential one for India's security and prosperity.

The NDA government's new focus on building advanced technology capabilities, Washington's quest for capable partners amid the deepening rivalry with Beijing, and the effort to reorganise global supply chains are driving India on the one hand and the US on the other. Technology has become an important focus of India's engagement not just with the US but several countries including France, Germany, Britain, Australia, Japan, South Korea and Singapore, and the European Union.

Back in the 1950s, Prime Minister Jawaharlal Nehru put special emphasis on gaining access to advanced technologies as a key driver of India's economic modernisation. Together with Homi Bhabha, Nehru reached out to the US and other Western powers to successfully lay the foundations for the development of nuclear and space technologies in India. The US also became a major supporter of the Green Revolution through collaboration in agricultural technology. The geopolitics of the moment — the perception of India as a democratic alternative to communist China — as well as the spirit of "scientific internationalism" and "developmentalism" in the US lent much-needed momentum to Delhi's technology diplomacy.

By the 1970s, the momentum began to



alter amidst India's economic populism, anti-Americanism, growing bureaucratisation of science and technology, marginalisation of India's private sector, Delhi's drift towards Moscow, India's nuclear test of 1974, and the consolidation of the global non-proliferation regime that steadily reduced the space for technology diplomacy.

The space that existed in the then non-sensitive areas was treated with disdain in Delhi. Recall that Delhi made it hard for IBM to set up in India. And its lack of interest drove US semiconductor makers to Singapore and Malaysia. Meanwhile, the large number of scientists and technologists trained in Indian universities and IITs, frustrated at the lack of opportunities at home, stepped out and walked through America's open door to technological talent. Meanwhile, Soviet Russia's salience in India's defence, atomic energy and outer space programmes began to grow in the 1970s.

To their credit, Indira Gandhi and Rajiv Gandhi made a big effort in the 1980s to correct the failures of the first phase by putting technological cooperation back at the heart of India-US relations and exploring the space that existed outside the realm of the non-proliferation regime. Rajiv Gandhi's strong technological orientation and his special emphasis on telecom and computing capabilities provided the political energy at the top to push for greater technological collaboration with the US. While the second phase produced some significant results, structural constraints — internal bureaucratic resistance and the external constraints driven by the non-proliferation regime — limited progress.

India's nuclear tests of 1998 made matters worse as the US imposed additional sanctions, but they also persuaded Washington to seek a long overdue reconciliation with India on nuclear issues. The Atal Bihari Vajpayee and Manmohan Singh governments sought to build on this opportunity and the big moment came in 2005 with the India-US civil nuclear initiative. But deep divisions within the political class and opposi-

The return of a majority government to power in 2014 unleashed fresh energy into India's technology diplomacy in the fourth phase. For one, the Modi government began to tie up some loose ends of the US nuclear deal and put digital and green technologies at the top of the policy agenda in the first term. The technological focus expanded to include AI and semiconductors in the second term. These initiatives were in tune with the technological revolution unfolding in the world and have acquired fresh momentum in the third term. On the American side, the growing recognition of the challenges presented by China under George W Bush, Barack Obama, Donald Trump, and Biden led to the expanding investment in the defence and technological partnership with India. This culminated in the initiative on critical and emerging technologies (ICET). Last Saturday's joint statement at Wilmington addressed the broad framework for strategic and technological cooperation unveiled during Modi's state visit to Washington in June 2023.

The shared US and Indian geopolitical interests in stabilising the Asian balance of power has been reinforced by the common desire to reduce excessive global economic dependence on China, and build technology coalitions among like-minded countries. The Indian "brain drain" to the US from the late 1960s has now become a living technological bridge between the two nations.

The fourth phase of India's technology diplomacy has done well to seize the new international possibilities, but it needs to be buttressed at home with the long overdue reform of the science and technology sectors. Otherwise, the internal bureaucratic resistance will inevitably lead to sub-optimal outcomes.

tion from the scientific bureaucracy made it hard for India to seize the moment.

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The writer is visiting research professor at the Institute of South Asian Studies, National University of Singapore and contributing editor on international affairs for The Indian Express

### WHAT THE OTHERS SAY

"By a whisker, Mr Scholz's party won a regional vote on Sunday that doubled as an unofficial referendum on his government. But after a tumultuous month, it feels like a pyrrhic victory."

—THE GUARDIAN

## Making campus equal, excellent

The problem of universities having low fees and high costs can be resolved through endowments, scholarships and cross-subsidies



**MANISH SABHARWAL AND PRAMATH SINHA**

THE GOLDEN RULE of modern higher education — those with the most money — has infiltrated teachers, parents and policymakers for centuries because making universities equal (low fees) conflicts with excellence (high costs). Public funding breaks this tyranny, but India's public debt — already 85 per cent of GDP — can't expand indefinitely or infinitely without us being irresponsible ancestors. Thankfully, the conflict between equality and excellence is being broken by new non-profit Indian universities that raise money for endowments and scholarships while using differential student fees to cross-subsidise. Over time, these universities will improve our science and technology game, reduce Indian enrolment in mediocre overseas universities, and raise international student enrolment in India.

A great university has low fees and high costs (quality faculty, rigorous research and a nice campus). In contrast, low fees and low costs create low quality, while high fees and high costs create exclusion. In theory, public universities have what Hungarian economist Janos Kornai called soft budget constraints — they can get higher government allocations irrespective of performance. In practice, even high quality public universities in rich places like California, Canada and England face brutal budget cuts because of the cost disease (productivity in education can't rise as fast as costs do). policy-mandated fee caps, and tighter visa regimes for full-paying international students. Higher education regulators in England and Canada suggest 40 and 50 per cent of their institutions will run a deficit this year. US universities have an endowment of over \$800 billion but massive inequality: 20 of its 5,000+ universities account for 50 per cent of this money.

Our civilisation recognised the power of learning centuries ago — Vidya Dadati Vinayam, Vinayad Datam (knowledge gives humility, which gives capability) — but public funding faces the tyranny of dividing money between K-12 schooling, vocational training and universities. All three matter, but the first two deliver more inclusive public goods and face financing market failures. Colleges create wage premiums and have more options for funding. Consequently, about 75 per cent of India's 40 million university students study in non-profit, non-government institutions (only 25 per cent of America's 18 million and 15 per cent of the UK's three million students do so). The global resource challenges of government-funded higher education will only increase with ageing, technology's deflationary impact creating employed poverty, and a ravens' welfare state.

Empire of Ideas by William Kirby suggests leaving out universities from the studies of global political and economic power in the last three centuries has been a mistake. In the 17th and 18th centuries, France dominated Europe more by its ideas than military prowess. Elites from Cambridge and Oxford ensured many British-modelled institutions in their colonies. German universities became the destination of choice for scholars because they redefined what universities

could be. And the "American century" was partly fuelled by the prestige and alumni of its universities. Kirby's thesis reinforces our belief that 20 Indian universities among the world's top 100 are a national security goal for the next decade because *shastra* (knowledge) and *vidya* (learning and development), and *praudyogiki* & *prathiba* (technology and talent) are inseparable.

Ironically, the golden rule of education is being broken by enlightened gold that recognises supporting higher education improves India's infrastructure. Opportunity for a new crop of innovative Indian non-profit universities are diversifying their funding beyond fees. Only 4 per cent of the costs of Azim Premji University are met by fees — this is similar to central government-funded Delhi University — because it started with more endowment than what the US prestigious Brown University had accumulated over a century. The endowment raised by the Indian School of Business (ISB) from multiple donors has allowed it to innovate and take the long view; it ranks highly in global business school rankings without offering an MBA "degree". Over 200 donors have enabled Ashoka University to offer 24 per cent of students a 100 per cent tuition waiver and 60 per cent some financial aid.

The biggest challenge for non-profit universities is convincing philanthropy to fund revenue expenses because it is easy to confuse university buildings with building universities. However, software trumps hardware; what makes universities great is the quality of their faculty. The coming tsunami of AI and virtual reality promises to revolutionise the role of teachers and will finally — and thankfully — make that awful noun and verb "lecture" obsolete. The best teachers in the next few decades will use technology but recognise that humans have an unfair advantage in being human. They will combine being an *adhyapak* (information provider), *upadhyay* (combining of information and knowledge), *patita* (deep subject knowledge), *acharya* (imparts specific skills), *drushta* (visionary view of a subject) and *guru* (awakens potential). However, the notion that the spiritual rewards of teaching compensate for financial rewards is flawed if our goal is attracting quality talent and retaining them in India. While the new wave of non-profit universities has built a strong track record of not loading capital expenditures onto fees, the next frontier for them is raising untied funding for operating costs. Early trends in scholarship funding commitments and research grants augur well.

In his autobiography, *Avoid Boring People*, James Watson, the co-discoverer of DNA's structure, reflects on a lifetime in science and suggests, "Don't back schemes that demand medals." The first best option for financing universities is a massive expansion of government funding, but that scheme demands a miracle. Life is second best at best. We must acknowledge government budgets' acute and chronic constraints and recognise that school and vocational education have higher moral claims than that finite pool of money. Instead of more cooks in the kitchen, let's try a new recipe: Non-profit universities offering equality and excellence through cross-subsidised fees, scholarships, and endowments. It is an equal and excellent future for higher education that must be encouraged and expanded.

The writers are co-founders of TeamLease Services and Ashoka University, respectively

## An Indian compass for future

At UN, it championed peace, global goods and needs of the Global South



**LAKSHMI PURI**

INDIA HAS AN unbroken, civilisational heritage of *Vasudhaiva Kutumbakam*. This ethos was imprinted on our G20 presidency by Prime Minister Narendra Modi. The country has the largest youth population in the world, it is the largest and most vibrant democracy, and is technologically future-facing. Intergenerational solidarity is as intrinsic to Indians. India thus has the greatest stake in any collective, global envisioning of a perfect future for humanity. This is what the Pact for the Future (PFF), the Declaration on Future Generations (DFG) and the Global Digital Compact (GDC) adopted at the UN Summit of the Future on September 23 attempts.

PM Modi joined 142 counterparts at the Summit and positioned India as a *vishamatra* representing a vision of human-centric development and successes in SDGs, DPI and solar energy, which he offered to share. He brought the message of the G20 New Delhi Declaration (NDLD) and amplified the voice of the Global South. He urged eschewing war and addressing threats from new arenas — terrorism, cyber, maritime and space. Warning that reform is the key to relevance, he pointed to the admission of the African Union to the G20. "Global action must match global ambition" he urged.

The UN Secretary-General admitted the "UN can't build a future for our grandchildren with the institutions of our grandparents" and that the "multilateral system is gridlocked in dysfunction". This crisis contributes to and reflects the emerging world disorder. Global flashpoints such as the NATO-Ukraine/Russia

conflict, the West vs China cold war and the war in Gaza are of such intensity that leaders are invoking the unthinkable spectre of a nuclear armageddon and another World War. The UN is unable to prevent, mediate or resolve them, but is caught in the middle or made to pick up the humanitarian pieces.

The international community seems to have taken its eyes off the terrorism ball. Furious rearmament race is on. False narratives and foreign information manipulation and interference around democracy and human rights is being used perversely to bring about regime changes in developing countries. Meanwhile, the world is lagging in 88 per cent of the SDG targets. Extreme weather events are causing devastation due to climate change.

Much-needed financing from donors and unreformed and underfunded Multilateral Financial Institutions (MFIs), critical green technologies and debt relief have not materialised for developing countries. There is a serious solidarity deficit, undermining multilateralism by resorting to coercive unilateralism, transactional bilateralism, pluralism, unilateralism and regionalism.

Against this background, the Summit represented "a once-in-a-generation opportunity to help rebuild trust and bring out dated multilateral institutions and frameworks into line with today's world, based on equity and solidarity."

The PFF's 58 actions partially did this by addressing issues in the global public good areas of conflict prevention, peacemaking, disarmament and counter-terrorism; SDGs, environmental protection and climate action and its financing; human rights and democracy including gender equality; disaster risk reduction and humanitarian response, and science, technology, digital revolution and transforming global governance.

The Summit demonstrated the convening, consensus building and norm power of the UN to get governments to come together. It reiterated key earlier principles and pledges, vowed to implement them and assumed some new responsibilities. Countries got to "preview" the future perils and possibilities to better shape the present. However, sceptics point to the Summit being more about "why" and "what" but not how to operationalise and enforce these "soft law" commitments. For instance, the PFF vowed to "take bold, ambitious, accelerated, just and transformative actions" to achieve SDGs and climate action. What was missing was the call the NDLD made to "scale up SDG and climate finance for developing countries from billions to trillions" and pin down the amount needed.

India has reason to be satisfied with the commitment "to pursue a future free from terrorism" and "violent extremism conducive to terrorism" in every way and at all levels including through revitalising the Convention against Terrorism. It condemned terrorism "in all its forms and manifestations committed by whomever, wherever, whenever. All terrorist acts are criminal and unjustifiable regardless of motivation or how their perpetrators may seek to justify them." UN mechanisms, however, are still hobbled by

donor money and agendas.

An elaborate text pledged to make the UNSC "more representative, inclusive, transparent, efficient, effective, democratic and accountable," and enunciated principles for expansion and reform including Africa being given priority and implicitly presaging the inclusion of developing countries like India. While the US was very positive, the other P5 and usual spoilers prevented any time-bound, text-based breakthrough. Only a larger grand bargain or a two-thirds majority vote in the UNGA may break the 35-year logjam.

The Global Digital Compact is a significant normative outcome and takes forward India's G20 thrust on bridging the digital divide, fostering the digital economy and digital public infrastructure for achieving SDGs. It proposed the establishment of a multi-disciplinary Independent International Secretariat Panel on AI and a Global Dialogue on AI Governance.

We now have a compass, however imperfect, for guiding us to our future as one earth, one family. If countries work together, rising above "narrow domestic walls", we will be able to right wrongs, survive future shocks and thrive as a people and planet. The UN can't make miracles unless "we the people", the UN Secretariat and the member states believe so and dare to act. As a Sanskrit saying goes, "Yad Bhavati, Dat Bhavati" — you become what you believe.

The writer is a former assistant secretary-general at the United Nations and the former deputy executive director of UN Women

### LETTERS TO THE EDITOR

#### FOR AN EQUAL STATE

THIS REFERS TO the article, "Social justice must include her" (IE, September 24). Kerala has been at the forefront of social justice by doing away with centuries-old feudalism — thanks to the vision of CM E M S Namboodiripad. But the state has failed to extend that spirit of social justice to women, as is evident from the findings of the Henry Jones Committee report. Women play second fiddle to men in every field in our country, and cinema is no exception. The ruling dispensation must be reminded that it is its job to ensure fairness and equality everywhere — including the film industry. It needs to ensure that a woman complaining of sexual exploitation by a man wielding clout is not deprived of her job.

S H Quadri, Rikaneer

#### CHESS CHAMPIONS

THIS REFERS TO the editorial, "The medal sweep" (IE, September 24). History has been made in Indian chess with Team India winning gold in both the men and women's categories at Budapest. With this achievement, India has joined a select club of nations, including China and the erstwhile Soviet Union — both of whom clinched the golden double in the same edition of the Olympiad. The light kindled by Viswanathan Anand has increased its glow manifold through his worthy successors. The victories show India's growing prowess in chess.

SS Paul, Nadla

#### A BLOT ON HISTORY

THIS REFERS TO the editorial, "What Manju needs" (IE, September 23). The Manju conflict remains a textbook case of how not to handle an internal security matter. Marred by shocking violation of human rights, anarchy seems to be the new normal in the state. What's worse is that government machinery is solely responsible for not containing this violence in time. Overhauling the unified command and state government leadership along with initiating a dialogue between communities can bring a ray of hope and help to address the catastrophe. But this will need iron will from the Centre as well as judicial intervention at this juncture.

Sagar Borade, Chhattisgarh



## IN COLD BLOOD

When accused are killed and police get away with murder, it's a stain on the justice system. The courts should step in

ASTRAYSTY is unfolding, across states, and in an otherwise noisy democracy, it is playing to a disquieting silence. Reports in this paper on Tuesday shone a light on three police "encounters" of alleged criminals in three states on Monday. In Badapur, a 23-year-old janitor arrested last month for allegedly sexually assaulting two four-year-old girls, was killed by the police in "retaliatory firing"; in Unnao, the UP Special Task Force gunned down an accused in a jewellery robbery case, days after his co-accused was killed in a police encounter; in Chennai, one of the most wanted men in the region became the third history-sheeter to be killed in similar circumstances since July. Common to these killings in Maharashtra, Uttar Pradesh and Tamil Nadu is not just the fact that all three men who were killed had serious criminal charges against them, but also this: All three deaths reek of a police vigilantism that is allowed to get away with murder — literally. Going by past record, it is safe to say that these killings will not be thoroughly scrutinised for the short-circuiting of due process in a constitutional democracy, nor taken up as an urgent issue by the Opposition parties or the Court, nor made into a cause for mobilisation by society. The culture of quietude and impunity in which they take place criminalises the police while making everyone else a witness, if not complicit.

The police approach of shoot first and ask no questions later, far from being censured, is celebrated and encouraged politically. In UP, for instance, most notably on the watch of Chief Minister Yogi Adityanath, a dismal pattern has been firmed up by this brutalised policy of crime and punishment. The accused, who, according to similar-sounding FIRs, arrive invariably on a "motorcycle" and are killed in the early morning hours or at night by policemen who claim to have carried out "nityantam (minimal) firing", are treated as guilty, and law enforcers are cast as agents of vigilante justice. The political establishment is self-congratulatory. Last month, after the rape and murder of the RCI Kar Medical College doctor, Mamata Banerjee's ever-ascendant nephew, who likes to seize the moral high ground against his political rivals, called for short-circuiting due process by hanging or killing "rapists" in an encounter. Police encounter numbers are trotted up and projected as evidence of the government's "zero tolerance" on crime. And, as in the killing of Atiq Ahmad, don-turned-politician and his brother, at point blank range by assailants, right under the nose of policemen who were escorting them to hospital in 2023, it also enables a dystopian scenario of citizens conducting their own encounter killings.

The Supreme Court has recently spoken out against "bulldozer justice" — the outrageous practice of state governments demolishing homes and properties of people accused in crimes, in the name of acting against "illegal encroachment" — and invited suggestions for pan-India guidelines. It must now turn its attention to the other routinised violation of due process, across states, of encounter killings. In a constitutional democracy, when the executive crosses lines, other institutions need to act as a check. In this case, "the people" seem unmoved because few will shed a tear for a rape-accused or a murder-accused. However, their execution in cold blood is a stain, deep and dark, on the justice system. Every encounter killing is the state thumbing its nose at the law and at due process. Only the courts can — and they should — step in to draw the line.

## CLEAN-UP SANS TEETH

Vacancies in pollution control boards point to an environmental regulation dogged by lack of expertise and autonomy

IN THE PAST five years, several studies have documented the health and economic effects of pollution in India. These have underlined that bad air, poor quality water and tardy waste management are problems not just of big cities, they undermine the quality of life of people in Tier 2 and 3 cities as well. The problem does not stem from a lack of laws. Effective monitoring and implementation have been the Achilles heel in the battle against pollution. The problem, as an affidavit submitted by the Central Pollution Control Board (CPCB) to the National Green Tribunal acknowledged, is that regulatory bodies have been chronically understaffed. Nearly half of all posts in state pollution control boards (SPCBs) are vacant, some for decades. Nearly 54 per cent of the sanctioned posts in the National Capital Region, whose problems with bad air began with the onset of the festive season in October and continue well into winter, are vacant.

SPCBs were set up in 1974 under the Water (Prevention and Control of Pollution) Act. Over time, their mandate has extended to tackling air and noise pollution and managing hazardous waste. However, environmental regulation has rarely kept pace with the demands of the post-liberalisation economy. The SPCBs haven't just failed to fill up their sanctioned strength. They have also not done justice to their mandate by failing to rope in an adequate number of independent scientists in pollution control exercises. The autonomy of these agencies on technical issues is often compromised because civil servants and officials with a background in government, and not experts, hold most of the top posts. Moreover, the terms of the chairperson and member secretaries of these agencies vary from a year to three years — only in rare cases have these officials held a position for more than five years. Such short tenures are not ideal for developing long-term pollution abatement plans.

These problems have persisted for decades. Yet, there has been scarcely any attempt to delineate their underlying causes. In the past five years, even as the Centre has embarked on ambitious clean air, waste management and water quality improvement projects, it and the state governments have devoted very little attention to improving regulatory efficiency. A start can be made by leveraging some of the expertise in the country's universities and technical institutions for environmental regulation. This could be a forerunner to increasing the financial and institutional autonomy of pollution control agencies.

## MOO DENG

As the baby pygmy hippo's viral fame shows, the rules of celebrity are the same for humans and animals

FOR WEEKS NOW, a baby pygmy hippo in Khao Kheow Open Zoo in Chonburi, Thailand, has been the darling of the internet. Inspiring a deluge of fan art and memes, photos and videos of Moo Deng have achieved a virality that, arguably, rivals those of pop singers and film actors.

The rules of the fame game, it would appear, apply equally to all celebrities, whether or not they're of the human variety. Take, for example, the fact that people are now drawing make-up inspiration from Moo Deng: From beauty influencers to a global cosmetics chain, there is a range of advice on how to use blush to achieve the exact peachy-pink tint of the baby hippo's chubby cheeks. Her home, the zoo, has of course planned a range of merchandise to capitalise on her fame, but her mug has already appeared on fan-created products all over the globe, leading the zoo to trademark her name and image. The craze for the celebrity selfie, too, has not left Moo Deng untouched: The surging crowds around her enclosure have led to her meet-and-greet window being cut to a mere five minutes.

But if fame can be intense and unrelenting, it is also, almost universally, fleeting. By the next season, there will be a new flavour and the scrutiny of adoring fans, online and offline, will shift to another adorable animal. Already, there is a new kid on the block in the shape of a baby king penguin named Pesto in Melbourne Zoo who, with his hefty 22-kg frame and fluffly down, is on his way to viral social media fame. For Moo Deng, a future of chewing grass in obscurity could be a blessing.



KISHWAR DESAI

THE SCREEN LADIES may be *laapataa*, but then so are the rest of us ladies. Lost. Adrift. Especially after reading why *Laapataa Ladies* (LL) was chosen.

While every year the official entry to the Oscars is usually that one film that is unlikely to win, this time it is the citation for LL which may ensure that this chosen film will lose. "Indian women are a strange mixture of submission and dominance," says the citation authoritatively as though the jury had stumbled upon some unique and alien species called "Indian women," after viewing LL. Obviously, till this film was made, the jury had no idea that Indian women could be both submissive and aggressive. They had probably always believed that Indian women could be either one or the other. Not even passive-aggressive or aggressive-passive. Just One. Or the other. Never, ever, a mix. Unheard of. Strange. For sure.

And, apparently, it is this unique quality about Indian women revealed in this film that makes it Oscar-worthy. "Well-defined, powerful characters in one world, *Laapataa Ladies* (Hindi) captures this diversity perfectly, though in a semi-idyllic world and in a tongue-in-cheek way."

The diversity here is not that the women are from different communities, castes or cultures — or even LGBTQIA+ — but that they are both aggressive and passive — and so, they are diverse. And how is the world of LL even remotely "semi-idyllic"? Unless you think that women who live in a world where they are abused is semi-idyllic because it is idyllic when they are not being abused. And "tongue in cheek"? That completely wrecks any notion of authenticity.

The next line is even more banal: "It shows you that women can happily desire to be home makers as well as rebel and be entrepreneurially inclined." So the jury accepts that women have choices, because — surprise! — this film reveals that too! Seventy-seven years after Independence, the world gets a wake-up call, and realises that Indian women can multitask, or have mul-

The citation that commends 'Laapataa Ladies' for the Oscars undermines its own case

tipie identities, all through LL.

But why does one have to "rebel" in order to be "entrepreneurially inclined"? And do it all "happily"? Really? Do women need to do all this happily or have I lost the plot?

"A story that can simultaneously be seen as one that needs change, and one that can bring about change. *Laapataa Ladies* (Hindi) is a film that can engage, entertain and make sense not just to women in India but universally as well..."

All these mindless little sentences in the citation makes one realise that the jury was struggling to find one really outstanding thing to say about the film. Why does it have to make sense to women in India and not the men?

So the real question is: If the jury saw it as such a mundane film, with nothing new or revolutionary to say in either the way it is scripted or shot, why bother to send it?

But, could it be that for the official entry, we often confuse our Indian identity with what we want the world to see about us at the Oscars? Shouldn't we just be hungry for the award? The world has changed and we should showcase the best of Indian cinema abroad — no matter how difficult the subject, and how much it challenges our own perceptions of our country. Playing it safe with a woman-led film about gender justice will not ensure glory, as the award will go to the best product, not the best intention.

To be officially nominated for the Oscar is something every filmmaker dreams about. And to do so with her second directorial attempt is to Kiran Rao's enormous credit. I do want to add that given the struggle that women face, and the glass ceilings they have to break, to direct a film itself is a huge step forward. Thus, is the citation a recognition for Rao's film or is it just damning with faint praise because we have to send a "nice" film to the Oscars? A "happy" little film made by an Indian woman starring other Indian women who outwit the misogynistic bad guys at the end?

Because definitely, all these well meaning messages are in Rao's film: Young girls in rural India need to look beyond marriage and take up organic farming, instead. They need to be financially independent. They need not despair when abandoned at railway stations as other marginalised individuals will be there to help them. They should resist wearing *ghonghats*, etc. The problem is, that in the hands of a master filmmaker like Hrishikesh Mukherjee, all the messages would have rolled out, subtly, wittily and even, humorously. Not so with Rao, whose heart is obvi-

ously in the right place and her intentions are noble — but each message hammers you on the head, till you acknowledge its presence.

It is also not clear how much this film represents India or the changes that have taken place in filmmaking. It is a sweet, but dull film — with tropes that are so familiar that many like me have practically grown up watching them on Doordarshan and on other "so good" (not necessarily "feel good") platforms. But where is the edginess, the anger, the angst, the restlessness, the cleverness, the excitement, that you can always sense in a film that deserves to win every award? That is totally *laapataa*.

We are all content with Rao's film, and pleased with its success. But as a "laapataa lady" myself (at a metaphorical level), I do not understand the blind racism. Having been on juries, I know that sometimes it is not the best candidate but the "compromise" one that wins. For example, *Attam* is a film that deserves to be sent to the Oscars. Fabulously shot and with an amazing cast, it was not chosen; neither was another celebrated woman-led film, Payal Kapadia's *All We Imagine As Light*.

But, could it be that for the official entry, we often confuse our Indian identity with what we want the world to see about us at the Oscars? Shouldn't we just be hungry for the award? The world has changed and we should showcase the best of Indian cinema abroad — no matter how difficult the subject, and how much it challenges our own perceptions of our country. Playing it safe with a woman-led film about gender justice will not ensure glory, as the award will go to the best product, not the best intention.

If the jury really wants the film to do well, can Rao at least ask them for a rewrite of the patriarchal citation? Or, forgive me, was it just happily "tongue-in-cheek"?

Desai is an author, playwright and the chair of two museums. Her biography on Devika Rani, The Longest Kiss, won the National Award for best writing on Indian cinema



RAJEEV LOCHAN

ARUNA VASUDEVI'S MULTIDIMENSIONAL personality made her truly irreplaceable. Remembered essentially for her immense contribution to the domain of cinema, especially Asian cinema, she had many other intriguing facets in her personality that contributed to her being recognised as a legend in her own time.

She wore her various accolades with immense ease and was an affectionate, insightful, and social personality who, it appears to me, had a deep sense of purpose. Perhaps this purpose was to share, communicate and showcase diverse sensitivities in an experiential and selfless manner. She was always more interested in pioneering interventions rather than celebrity status. Her writings and engagements reflected a deep critical and aesthetic bearing, rather than a factual articulation of techniques of the craft and its medium of representation. She looked at Asian cinema essentially as an art form, with a firm commitment to experiencing, exploring and showcasing to the rest of the world its strength and vitality. She endeavoured to present the "Asian essence" to Asians and Asian ingenuity and uniqueness to the rest of the world. This earned her a special position and stature internationally. She had a single-minded aim and vision.

Her assimilative capacity, her aesthetic strength, and sensitivity in every aspect of social and creative expression perhaps emanated from her being an artist and

## THE ARUNA VASUDEVI I KNEW

With a larger artistic vision, she brought together people and sensibilities

thinker at heart with a wide range of interests and engagements. As a result, the innumerable gatherings at her residence had risks from the varied walks of life that engaged her fancy — politics, culture, creative writing, poetry, dance, theatre etc.

Perhaps what pleased her the most was the interactive fertility of the interdisciplinary, where new ideas and possibilities emerged. She handled these with ease, glamour and élan. She was a real queen, her husky voice calling and inviting many of us to her gatherings, saying "...have called only a few friends." One realised only later that one was amongst a large group of a size and scale that one could hardly comprehend. All this was part of her *niswarth* (selfless) agenda in binding people and sensibilities together with her larger ambition and purpose. Assimilating aesthetics, diverse sensibilities, theoretical studies in their realisation mode is what she achieved! This did not limit itself to the regional, but extended to the international in the true spirit of a cultural emissary, with a holistic vision and life and creative pursuits.

Our personal association with Aruna went back over two decades or more — particularly for my wife and a group of mutual friends. This small group of family and friends spent an enriching time together, observing, experiencing, drawing, painting, and interacting. Although they seldom exhibited, this exercise was more an engagement with the "inner self"; essentially

*swanta sukhya* (self-satisfaction). The intention was not to seek worldly appreciation — as a true risk, each was pursuing the larger context of the subliminal creative expression through the medium of "Sumi-e", the Japanese concept of creative expression that relates to the inner vitality of creative thinking and its representation.

It is evident that Aruna's involvement with Buddhism served a meaningful purpose in her life which transcended material gains. Although she led her life on her own terms and conditions, the larger meaning of existence had a deeper metaphysical purpose which, when viewed in totality, reveals how to be a pioneer, explore the unexplored, unify sensibilities and celebrate life with ease, poise, and sensitivity — all of which Aruna achieved.

Alas, that husky, affectionate, ever-welcoming voice fell into eternal silence on September 5. When I last saw her at her cremation, her face wore a smile. The word "aruna", as part of its literal meaning, represents the charioteer of the Sun god. In her life, Aruna was the charioteer of the Asian film movement, a true seeker with an Asian spirit and the zest to share with the rest of the world. Aruna, you will always be remembered for your poise, elegance, sincerity, and vision.

The writer is an artist and former director, National Gallery of Modern Art



## SEPTEMBER 25, 1984, FORTY YEARS AGO

### GOLDEN TEMPLE TALKS

NEGOTIATIONS ON THE Golden Temple complex issue appear to be nearing a solution as Prime Minister Indira Gandhi had a second meeting with President Zail Singh in the last three days. Home Minister PV Narasimha Rao was also present. Over 30 Punjab Congress (I) MLAs pled with them that the Golden Temple complex should be handed over to the high priests and the Army withdrawn.

### FOR PEACE IN REGION

THE PRIME MINISTER stressed the need for increased vigilance in the Indian Ocean in

view of the changing security environment around India. Inaugurating the annual senior naval officers' conference, the Prime Minister warned that the situation in the Indian Ocean was not one of mere confrontation between the superpowers. The presence of other nations' navies did not augur well for the peace and stability of the region.

### HISTORIC RESOLUTION

PROBABLY FOR THE first time in the history of the state, the Andhra Pradesh Cabinet adopted a resolution against former Governor Ram Lal. The Cabinet expressed "deep sorrow and concern" over Ram Lal's action in having ignored

the advice of the council of ministers tendered to him on August 15 to summon the Legislative Assembly three days later.

### US CHANGES TUNE

US PRESIDENT, RONALD REAGAN, who had not long ago denounced the Soviet Union as an "evil empire" signalled a flexibility in US's attitude towards Moscow by announcing his readiness to enter into "constructive negotiations" with the Soviets. "We recognise that there is no sane alternative to negotiations with arms control...between two nations which have the capacity to destroy civilisation as we know it," President Reagan said.





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# Why ISRO's planned mission to Venus is important

ANONNA DUTT  
NEW DELHI, SEPTEMBER 24

THE UNION Cabinet last week approved India's first mission to planet Venus, with ISRO aiming for a launch in March 2028. This will be India's second inter-planetary mission after the Mars Orbiter Mission that was launched in 2013.

The mission spacecraft, which will orbit Venus, will carry scientific instruments to study the surface, atmosphere, and ionosphere of the planet, and its interaction with the Sun.

**Why is it important to study Venus?**  
Venus is often referred to as Earth's "twin" because of the two planets' similarities in mass, density, and size. Importantly, it is thought to have had liquid water in the past. For a long time, scientists believed that Venus could have supported life — like Earth.

However, the planet differs from our own in some very significant ways.

**First**, it has an extremely high surface temperature of around 462 degree Celsius. This is higher than even Mercury, the planet closest to the Sun. Scientists believe that this is because of a runaway greenhouse gas effect. The water present on the Venusian surface is thought to have evaporated due to the planet's proximity to the Sun, with the water vapour acting as a greenhouse gas trapping more heat and further evaporating water from the planet's surface.

**Second**, the atmospheric pressure on Venus is much higher than Earth. It is almost similar to the pressure felt underneath the oceans on Earth. This is because the Venusian atmosphere is about 93 times thicker than Earth.

The combined heat and intense pressure have meant that no Venus lander has survived on the planet for more than a couple of hours.

**Third**, more than 96.5% of the dense atmosphere of Venus is made up of carbon dioxide. Nitrogen makes up around 3%, with trace amounts of other gases like sulphur dioxide, carbon monoxide, water vapour, argon, and helium making up the rest. The atmosphere also contains clouds of sulphuric acid, with acid rain not uncommon.

**Fourth**, Venus rotates very slowly on its axis as compared to Earth. One rotation of Venus lasts around 243 Earth days.

Scientists study the similarities and differences between Earth and Venus to better understand the evolution of our home planet — and why it became hospitable to life, compared to its "twin".

**What will ISRO's Venus mission look like?**

Earth and Venus come close to each other every 19 months, offering a short window for launching a spacecraft to the planet.

While the mission was originally slated for 2023, according to the latest timeline, the launch will take place some time in March 2028, with the spacecraft set to take around 140 days (after exiting Earth's orbit) to reach the planet.

The spacecraft will follow a similar trajectory as other ISRO space exploration missions — first it will gain speed in Earth's orbit, then it will be sling-shot towards Venus, and ultimately be captured in Venus' own orbit.

The mission will carry scientific payloads weighing around 100 kg. Proposals for at least 17 Indian and seven international experiments were selected for the mission by 2018. The Indian payloads include an *Land 5* band Synthetic Aperture Radar that can help in imaging the surface of the planet, a thermal camera, an experiment to study the flow of interplanetary dust particles, an exper-

iment to study the high-energy particles entering the Venusian atmosphere leading to its ionisation, and another one to study the composition, structure, variability and the thermal state of the Venus atmosphere.

**How will the Venus mission be different from previous ISRO undertakings?**

The Venus mission will be the first from India to perform aero-breaking. Initially, the spacecraft will be placed in a highly elliptical orbit of 500 km x 60,000 km around Venus. This is due to fuel considerations. However, such an orbit is too high for conducting scientific experiments. This is where aero-breaking will come in.

The spacecraft will be brought down to either 300 km x 300 km or 200 km x 600 km orbit with the help of this technology. The spacecraft will be pushed down to around 140 km above the Venusian surface several times, at which point it will skim through the outer layer of the planet's atmosphere. This

will create drag and slow down the atmosphere, thus gradually reducing its orbit.

It will take roughly six months of manoeuvring for the spacecraft to reach the intended orbit, as per discussions of scientists during ISRO's Venus science meet in 2022. Once there, the satellite will completely exit the planet's atmosphere to ensure it does not slow down further, or burn fuel to prevent the orbit from further reducing.

**What are some other missions planned to study Venus?**

There have been several missions to Venus in the past by the United States, the erstwhile USSR, Japan, and a collaborative mission by Japan and the European Space Agency.

The US has planned at least two more missions to Venus in the future — *Davinci* in 2029 and *Veritas* in 2031. The European Space Agency has planned the *EnVision* mission for 2030.

## EXPLAINED SCIENCE

### WHEN DID HUMANS FIRST RIDE HORSES? THE COMPLEX ANSWER IN NEW STUDY

CAN HORSEBACK riding alter the shape of the human skeleton? The answer, according to a new study, is complicated. A team of researchers has found that although horseback riding leaves subtle marks on human skeletons, those changes cannot confirm whether people have ridden horses during their lives. Other activities, such as prolonged sitting or cart riding, can also result in similar alterations.

The findings cast doubt on a long-held theory in the field of archaeology. Known as the Kurgan hypothesis, it argues that humans began domesticating horses as early as the fourth millennium BC.

The new study, *Tracing horseback riding and transport in the human skeleton*, was published in the journal *Science Advances* on September 20. It was carried out by Lauren Hosek, Robin J. James, and William T. Taylor, all from the University of Colorado Boulder in the United States.

**What is the Kurgan hypothesis?**

The question of when humans first started to use horses for transport has been a subject of debate for long. The Kurgan hypothesis emerged in the early 20th Century and proposed that domestication of horses began around 3500 BC by ancient humans, known as the Yamnaya, who lived near the Black Sea. They used the horses to travel across Eurasia, and by doing so, spread primordial versions of the languages that would later evolve into English, French, etc.

William T. Taylor, one of the authors of the new study, told *Phys.org*, "A lot of our understanding of both the ancient and modern worlds hinges on when people started using horses for transportation... For decades, there's been this idea that the distribution of Indo-European languages is, in some way, related to the domestication of the horse."

In 2023, a team of scientists published a study analysing a handful of human skeletons belonging to the Yamnaya people, dating back to around 3000 BC. The researchers claimed to have found evidence of wear and tear in the skeletons from horse riding, which supported the



Horseback riding leaves subtle marks on human skeletons. *Science Advances*

Kurgan hypothesis.

The new study, however, has introduced a layer of scepticism regarding the findings of that analysis.

**What was the new study found?**

Lauren Hosek, who is the lead author of the study, and her team examined numerous medical studies of modern equestrians and records of human remains across thousands of years.

They found that the changes in the shape of the hip joint, which some researchers have cited as evidence for early horseback riding, can result from various activities. For example, ancient humans — who are believed to have used donkeys, wild asses, and cattle to pull carts before domesticating horses — could have experienced similar changes due to riding carts or chariots.

"Over time, this repetitive, intense pressure from that kind of jostling in a flexed position could cause skeletal changes," Hosek told *Phys.org*.

This means that human skeletons alone cannot be enough evidence to confirm that the Yamnaya people domesticated horses.

"We need to couple... [human skeleton] data with evidence coming out of genetics and archaeology and by looking at horse remains, too," Hosek said.

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AJOY SINHA KARPURAM  
NEW DELHI, SEPTEMBER 24

IN A setback to Karnataka Chief Minister Siddaramaiah, the Karnataka High Court on Tuesday allowed an investigation against him in the alleged Mysore Urban Development Authority (MUDA) scam case.

Justice M Nagaprasanna upheld Governor Thawarchand Gehlot's decision to grant sanction to a probe against the Chief Minister. The decision to allow investigation is an "irreversible conclusion," the 200-page ruling stated.

**What is the case against Siddaramaiah?**

On August 16, Governor Gehlot allowed the police to investigate the Chief Minister's involvement in the alleged MUDA scam. The development came in response to complaints filed by three anti-corruption activists — T J Abraham, Snehamayi Krishna, and Pradeep Kumar.

According to the complaints, the Chief Minister's wife, Parvathi, got 14 housing plots in Mysuru in 2021 (when the BJP was in power) in exchange for 3.16 acres of land that was allegedly acquired illegally by MUDA around 2013. This allegedly resulted in a Rs 55.80 crore loss for the state.

On August 1, Karnataka's Council of Ministers met and passed a resolution "strongly advising" the Governor to withdraw the complaints. However, the Governor allowed proceedings against the Chief Minister under the Prevention of Corruption Act, 1988, and the Bharatiya Nyaya Sanhita, 2023.

**Why did the Governor grant sanction?**

This sanction is necessary under Section 17A of the Prevention of Corruption Act (PCA) to investigate and prosecute public officials for offences allegedly committed during the "discharge of official functions or duties". The police officer must receive the "previous approval" of the "authority competent to remove" the public official from office, which in the case of the Chief Minister is the Governor of the state.

The Governor's order stated that this was an "extraordinary circumstance" because it is difficult to conclude that the Council of Ministers acted "fairly and in a bona fide manner". The order also said that it is "natural" that the Council of Ministers would support the Chief Minister who is responsible for their appointments. The Council of Ministers also ignored certain key pieces of information regarding the transaction in their resolution, according to the order.



Karnataka Chief Minister Siddaramaiah (right) is administered the oath of office by Governor Thawarchand Gehlot in Bengaluru in 2023. *Jithendra M*

**On what grounds did Siddaramaiah challenge the sanction?**

Siddaramaiah moved the Karnataka High Court, challenging the Governor's decision on three grounds.

First, whether sanction can be given when the complaint is made by a private person. Section 17A of the PCA specifically deals with the procedure when the police seek sanction to conduct an inquiry.

Second, the sanction is invalid since Siddaramaiah was not discharging any official functions at the time of the land acquisition that is in question. He was an MLA but was in the Opposition.

Third, the Governor ignored the advice of the Council of Ministers and allowed a probe against the Chief Minister. Under Article 163 of the Constitution of India, the Governor is bound by the aid and advice of the Council of Ministers.

**What did the court decide?**

**On whether a private complaint can be entertained:** The High Court said that if a private person could not seek recourse under the PCA when they had a complaint against a public official, they would be forced to file a complaint under the Code of Criminal Procedure, 1973. As a result, the police would have no choice but to register the crime and begin the investigation. This, the High Court said, would make the protection of requiring prior sanction under the PCA "redundant" as it means to protect public officials from being the target of frivolous cases.

So, not only can a private individual file a complaint under the PCA, it is also "necessary" for private individuals to seek the necessary approval under Section 17A, the

court said.

**On whether Siddaramaiah was a 'public servant':** The Chief Minister argued that none of the allegations in any of the complaints points to a single decision or recommendation made by Siddaramaiah. This, they argued, was a necessary requirement to grant sanction under Section 17A of the PCA as the offence must be "relatable to any recommendation made or decision taken by such public servant in discharge of his official functions or duties".

On this issue, the court noted that the alleged scam pertains to the series of transactions and apparent irregularities surrounding the 3.16 acres of land in Mysuru. The reasons are:

■ Siddaramaiah was a member of the ruling party when his brother-in-law acquired the land in 2004 and got permission to convert it from agricultural to residential land;

■ The rule for compensation was amended in 2015 following Parvathi's application, increasing the amount of land given to the land lord;

■ His son Yathindra S was an ex-officio member of the MUDA when compensation of 14 sites in Mysore city for Parvathi was finalised in 2017;

■ Parvathi should have been allotted 4,800 sq ft of land as compensation, according to the rules. However, she was allotted 38,284 sq ft of land worth Rs 55.8 crores.

The court also found that significant action from the state appeared to coincide with Siddaramaiah's stints as MLA, Deputy Chief Minister, and Chief Minister. Justice Nagaprasanna said, "If this does not require investigation, I fail to understand what other case can merit investigation, as the benefi-

ciary is the family of the petitioner and the benefit is by leaps and bounds, it is in fact a windfall."

"If this were to be a case of common man, he would not have fought shy of facing the investigation. In the opinion of the Court, the Chief Minister, a leader of the proletariat, the bourgeois and of any citizen, should not fight shy of any investigation," he also said.

**On the issue of the powers of the Governor:** The court held that the Governor can act independently to give permission to prosecute a Chief Minister or a Minister if there is a "real likelihood of bias" from the state government. Justice Nagaprasanna said, "What would unmistakably emerge is that the decision of the Cabinet — the cabinet nominated by the Chief Minister, would not be free from bias or being partisan towards their leader. It is in such exceptional circumstance, independent discretion is imperative".

The High Court cited the Supreme Court's ruling in *Madhya Pradesh Police Establishment v. State of Madhya Pradesh* (2004), where the court held that the Governor could provide sanction (if the material on record shows a *prima facie* (at face value) case against the public official. Governor Gehlot also relied on this case in his order which granted sanction.

The High Court also stated that although the Governor is typically bound by aid and advice of the Council of Ministers, in this case, the "exceptional circumstances" of a possibility of bias justify the Governor's decision to grant sanction.

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# With 'Laapataa Ladies' India's official Oscars entry, how selection works

ARUSHI BHASKAR  
NEW DELHI, SEPTEMBER 24

THE KIRAN Rao directorial *Laapataa Ladies* ("Missing Women") on Monday became India's official entry for the Best International Feature Film category at the 97th Academy Awards, to be held next year.

Backed by veteran actor Aamir Khan's production house, the Hindi film became critically and commercially successful following its release in March 2024. It focuses on two newlywed women who accidentally swap places during a train ride to their respective husbands' homes.

Rao took to Instagram to express her "heartfelt gratitude to the selection committee and to everyone who believed in the film." She said, "It is indeed a great privilege to be selected from among such amazing Indian films this year — who are equally

worthy contenders for this honour."

The Film Federation of India (FFI) announced the film's selection in Chennai. A total of 29 movies were under consideration, including Payal Kapadia's *Ganges winder All We Imagine As Light*, Anand Ekshari's *National Award-winning Aattam*, and Sandeep Reddy Vanga's controversial blockbuster *Animal*.

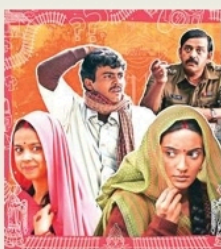
## EXPLAINED CULTURE

**What is the FFI?**

On its website, the FFI describes itself as the "parent body of all the leading film associations of India". Its ob-

jectives include promoting "commerce in general and in particular to promote, protect and watch over the interests of the Indian Film Industry and allied industries and trades, including the interests of producers, distributors and exhibitors of films and of all other persons connected with the film industry".

It also aims to "popularise the film in-



*Laapataa Ladies* was released in March.

dustry and its products in India and abroad", and appoints the 13-member jury that decides which film to send to the Academy

Awards. These members are "senior qualified people" from the "creative field", according to a press release. This jury also has a chairperson — currently, Assamese director Jahnu Barua — whom the FFI nominates.

The current jury only comprised men, leading many on social media to comment on the "laapataa (missing)" ladies in the selection committee, and criticising the arbitrariness of the process.

**How does FFI select the entry?**

The executive committee, headed by the FFI president (currently Ravi Kottarakara), typically "invites" filmmakers to submit their cinematic works for jury evaluation.

The submissions must fit the Academy's eligibility rules, such as the film being at least 40 minutes long and produced outside the United States. More than 50% of its dialogues should be in a non-English language. It should have had at least a seven-day theatrical release between November 1, 2023, and September 30, 2024.

A payment of Rs 1.25 lakh must also be made to complete the submission. After all the films have been screened for the jury, the final choice is decided by a vote. Barua told *The Indian Express* in a recent interview, "We were in Chennai for 7-8 days, and we were watching the 29 films that were sent to us. Throughout this period, we used to have in-depth discussions about the films."

On the jury's selection criteria, he said the film should represent India's social systems and ethos.

In its citation, the FFI said *Laapataa Ladies* is a "film that can engage, entertain and make sense not just to women in India but also universally as well".

However, it also attracted criticism for its language and some types. The citation begins with "Indian women are a strange mixture of submission and dominance", and goes on to say that the film "shows you that women can happily desire to be home makers as well as rebel and be entrepreneurially inclined."

**What is the Best International Feature Film category?**

The Academy Awards invite countries from across the world to send their best films to compete for the prize.

"Selection of that film shall be made by one approved organisation, jury or committee, of which at least 50% must include artists and/or craftspeople from the field of motion pictures," the Academy's rules state.

The final nominations are determined through voting. A preliminary committee views the eligible submissions and votes by secret ballot to produce a shortlist of 15 films. The nominating committee views those films and votes by secret ballot to determine five final nominees. The Academy members then vote for the winner.

Three Indian films have made it to the final nominations — *Mother India* (1957), *Salaam Bombay!* (1988) and *Lagaan* (2001), all in Hindi. Last year, the Malayalam film *2018: Everyone is a Hero* on the Kerala floods was India's official entry.



# Text & Context

THE HINDU

## NEWS IN NUMBERS

### Two-day death toll from Israeli strikes in Lebanon

**588** Lebanon's Health Ministry said on Tuesday that the death toll from Israeli airstrikes in Lebanon over the past two days of escalation has reached 558, including 50 children and 94 women. *AP*

### Number of militants who laid down arms before Tripura CM

**500** Tripura CM Manik Saha welcomed the militants belonging to the outlawed groups, the National Liberation Front of Tripura and All Tripura Tiger Force, in Sepahijala district. *IN*

### Number of dengue cases reported in a week in Delhi

**300** As per Municipal Corporation of Delhi's data from January till September 21, a total of 1,229 dengue cases have been reported. The city has also reported 363 malaria cases. *IN*

### Number of 'illegal settlers' evicted from Assam forest land

**2,000** About 450 families were evicted from 55-60 hectares of forest land in Goalpara district of Assam, an official said. This occurred as part of an eviction drive. *IN*

### Number of people who crossed into Syria from Lebanon

**500** Around 500 people crossed the border through the Qusayr and Dabousiya crossings to war-torn Syria, fleeing the Israeli bombardments. *AP*

COMPILED BY THE HINDU DATA TEAM

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# Why the 'fact-checking' unit was invalidated

Why did the Bombay High Court strike down as "unconstitutional" the amended Information Technology (IT) Rules, 2021? What did the amended rules ask of social media intermediaries? How did the Supreme Court intervene in the matter?

## EXPLAINER

Aaratrika Bhaumik

### The story so far:

In September 20, the Bombay High Court struck down as "unconstitutional" and "vague" the amended Information Technology (IT) Rules, 2021, which empowered the Centre to establish a "Fact Check Unit" (FCU) to identify "fake or false or misleading" online content about the government and its establishments. Justice Atul Sharachandra Chandurkar delivered the verdict as the "tie-breaker" judge after a division Bench comprising Justices G.S. Patel and Neela Gokhale pronounced a split verdict in January, 2024.

### What was the law under challenge?

The Ministry of Electronics and IT (MeitY) introduced the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Amendment Rules, 2023 (2023 Rules), amending the 2021 IT Rules.

This amendment vested the Union government with the authority to establish a fact-checking body empowered to classify any information "pertaining to the business of the Central government" as "fake, false, or misleading".

The amended Rule 3(1)(b)(v) specifically required social media intermediaries to make "reasonable efforts" to prevent users from uploading or transmitting any content flagged by the Centre's FCU as misinformation. Such flagged content would have to be taken down within 36 hours if the intermediaries wanted to retain their "safe harbour" protection – a form of legal immunity against any third-party content hosted by them. Within a week of their notification, the constitutional validity of the 2023 Rules was challenged before the High Court by Kunal Kamra, a political satirist and standup artist, the



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Editors Guild of India, and the Association of Indian Magazines.

### What did the split verdict stipulate?

Justice Patel opined that the amended rules promoted censorship and did not fall within the ambit of reasonable restrictions permitted under Article 19(2) of the Constitution. He underscored that the absence of procedural safeguards or guidelines effectively made the Union government a "judge in its own cause". In contrast, Justice Gokhale reasoned that the government is best positioned to provide accurate information about itself and that the rules were intended solely to combat misinformation, without restricting legitimate criticism or political satire. She also dismissed allegations of bias by asserting that the mere fact the FCU members were appointed by the

government did not undermine their independence.

### Did the Supreme Court intervene?

Following the split verdict, the Chief Justice of the High Court appointed Justice Chandurkar to hear the matter afresh and deliver a tie-breaking ruling, in accordance with the High Court rules. Subsequently, the petitioners filed applications seeking an interim stay on the notification of the FCU until the matter was finally adjudicated. However, Justice Chandurkar dismissed these applications on the ground that no *prima facie* case was made out to stall the establishment of the body.

On March 20, 2024, the Centre notified the FCU under the Press Information Bureau (PIB). However, the very next day, the Supreme Court stayed the operation

of the notification until Justice Chandurkar took a final call on the validity of the amended rules. It reasoned that the challenge raised "serious constitutional questions" relating to the fundamental right to freedom of speech and expression.

### What did Justice Chandurkar rule?

Endorsing Justice Patel's view, Justice Chandurkar observed that the amended rules suffer from manifest arbitrariness and sought to impose restrictions on freedom of speech and expression beyond those defined under Article 19(2) of the Constitution. He noted that the expressions "fake, false or misleading" within the rules are "vague and overbroad", leaving ample room for potential misuse.

Highlighting that there was no clarity on how the FCU would identify any information to be patently false or misleading, the judge asserted that the "exercise would result in an unilateral determination by the executive itself". He also refused to accept the Centre's claim that the Rules would exclude political comments and satire by reasoning that "any assurance from one Government even if carried out faithfully would not bind a succeeding Government."

Notably, Justice Chandurkar observed that the mere ability of an aggrieved person to challenge FCU decisions in a constitutional court could not be regarded as an adequate safeguard. He accordingly concluded that the amended rules were liable to be struck down, as they created a "chilling effect" on intermediaries by jeopardising their safe harbour protection.

### What happens next?

The Union government is likely to appeal the decision before the Supreme Court especially since the 2021 IT Rules are currently under challenge before the Delhi High Court and the Madras High Court. The ruling will also impact the legitimacy of similar fact-checking units established in Tamil Nadu and Karnataka.

## THE GIST

The amended Rule 3(1)(b)(v) specifically required social media intermediaries to make "reasonable efforts" to prevent users from uploading or transmitting any content flagged by the Centre's FCU as misinformation.

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The Union government is likely to appeal the decision before the Supreme Court.

# What are retractions and why do they matter?

What is a retraction index? Why do researchers use potentially duplicated or manipulated work?

Atanu Biswas

### The story so far:

According to the 'Retraction Watch' database, an Indian scientist at an institute in Lucknow has racked up 45 retractions. It also states that another researcher at a university in Kolkata published 300 scientific papers in a year, which is nearly a paper a day and impossible. This individual had six papers retracted, which cover an array of disciplines including chemistry and virology. Paper retractions are becoming more common worldwide even as the research misconduct problem is worsening in India.

### What are retractions?

A retraction is a mechanism that kicks in when a scientific paper published in an academic journal is found to be so flawed as to merit being removed from scientific literature. The academic community is often understanding when a paper is

retracted for an honest error but much less forgiving when a paper is pulled because it contains deliberately manipulated material. For example, the case of John Darsee, a young Harvard University cardiology researcher, stunned the academic community in the 1980s. He had over 80 papers retracted for spreading "inaccuracies and falsehoods".

Scientific fraud is surprisingly endemic: the list with Darsee includes Jan Hendrik Schön, Brian Wansink, Hwang Woo-suk, and of recent Ranga Dias as well, among others. Even Nobel laureates are not spared. Gregg Semenza, a professor at Johns Hopkins University and winner of the 2019 medicine Nobel Prize, has had 12 papers retracted over potentially duplicated or manipulated images.

### How often are papers retracted?

Between 2020 and 2022, 2.5 times more papers were retracted than they were between 2017 and 2019. The reasons for retraction include plagiarism, editorial conflicts, image manipulation, and the

use of paper mills. During the COVID-19 pandemic, many publishers had fast-tracked the peer-review process for papers they received from scientists. As a result, some 10,000 papers had to be retracted in 2023 because of quality and/or data issues. The number was only around 1,600 in 2013. In 2023, a German neuropsychologist named Bernhard Sabel published the results of using a fake-paper detector he had built: he found that a third of 5,000 neuroscience papers published in 2020 likely had plagiarised and/or falsified content.

### What is the retraction index?

A journal's retraction index is the the number of retractions in a given time period multiplied by 1,000 and divided by the total number of published articles, according to a definition provided by scientists Ferric Fang and Arturo Casadevall in a September 2011 paper. They also showed that there's a greater chance of a paper being retracted from a high-impact journal than from a

low-impact one. 'Impact' refers to the impact factor: the average number of times a paper was cited in last two years.

### Why do scientists falsify papers?

Paper mills are enterprises that churn out fake or low-quality journal papers and sell them to scientists. Thousands of papers published in academic journals worldwide have been linked to Russian, Iranian, and Chinese paper mills.

One reason they're becoming more prevalent is because of research institutes' desire to improve their national and international university rankings, where the primary criterion is research output. In today's academic setting, one's paper count can determine one's chances of being promoted, securing grants and getting awards. PhD students are sometimes required to publish papers to graduate. This "publish or perish" culture encourages paper mills.

Misconduct makes scientists lose trust in one another and in literature. In a 2000 article in the journal *Nature*, H.N.J. Arst wrote, "All honest scientists are victims of scientists who commit misconduct." Retractions are thus a way for science to correct its mistakes.

Reducing the prevalence of misconduct is an open problem in research policymaking. It needs to answer questions like: can journals detect bad papers with AI and what is a way to evaluate research quality over quantity?

Atanu Biswas is professor of statistics, Indian Statistical Institute, Kolkata.

## THE GIST

A retraction is a mechanism that kicks in when a scientific paper published in an academic journal is found to be so flawed as to merit being removed from scientific literature.

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PULSE-CHECK

# How BMI is becoming an inadequate measure for health

BMI does not help a doctor understand the composition of the weight — how much of it is fat, and where the fat is distributed. Studies are now showing that BRI may be better at predicting health risks than BMI

Zubeda Hamid

Practically everyone who has gone to a doctor for a check-up has had their BMI or Body Mass Index measured. BMI calculators abound online and it has become a modern go-to quick check for one's health — financial services company Zerodha even announced, in 2022, an extra bonus for employees with a BMI of less than 25.

But how accurate is BMI in deciding how healthy you are now, or how healthy you will remain in the future? Increasingly, experts have arrived at the realisation that it is an imperfect calculation that has several limitations.

Therefore, the new buzz word is BRI or the Body Roundness Index. Devised by U.S. mathematician Diana Thomas, and first published in a 2013 paper, this index measures how round you are. "BMI is grounded by the assumption that bodies are like cylinders. But when I looked at myself in the mirror, I thought — 'I'm more of an egg than a cylinder.' And this is what led to devising the BRI," she says.

The mathematical formula for BRI is associated with body fat levels, and takes into account height and waist circumference. The scores usually range from 1 to 15, with those having very high scores or very low scores (of over 6.9 or under 3.4) considered at the most risk for illnesses.

## How is BRI different from BMI?

BMI is your weight in kilograms divided by your height in metres squared. A BMI of 18 to 24.9 is considered normal; 25 to 29.9 is termed overweight and 30 and above is classified as obese.

The problem, says Jaichitra Suresh, chief medical officer, SIMS Hospital, Chennai, is that BMI does not help a doctor understand the composition of the weight: how much of it is fat, muscles or water for instance, and where the fat is distributed in the body. "Athletic people and those who do weight training may have high BMIs, as muscles are denser than fat, but will still be healthy. It cannot be assumed that a high BMI always means high fat," she points out.

BMI also has limitations with different ethnic groups — it was created using data from 19th century Europeans. For instance, Dr. Jaichitra says, an Indian and a Caucasian may have the exact same BMI, but in an Indian the fat percentage may be higher than that of the Caucasian.

How is BRI different? The BRI score takes the waist circumference into account, and calculates percent body fat: the calculator shows you an egg-like outline, with a green region, which is considered healthy. Scores outside this region are considered to be at risk. "The more round you are, the higher percent body fat you have, the higher your visceral adipose and therefore your risk of diabetes, cardiovascular problems etc. Metabolic illnesses can manifest without the body looking like it is obese. But even at the lower end, having a small body size for height, weight and gender, is a risk. The green zone shows you the sweet spot," says Dr. Thomas, who is a full professor in the Department of Mathematical Sciences at the United States Military Academy, West Point.



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## Where does the fat lie?

When BMI was first proposed to be used as an indicator for mortality risk, experts pointed out that its scores may not be applicable for the Asian population — and at this stage, in 2002, it was suggested that 23 be considered an action point for Asian populations, and not 25.

"But this," says Anura Kurpad, professor of physiology at St. John's Medical College who was part of the WHO expert consultation on BMI in Asian populations, which met in Singapore in 2002, "did not address the problem. It is not the amount of fat that is the issue but where the fat is — as fat in the abdomen, particularly when it accumulates around the internal organs, is what leads to metabolic syndrome and a host of medical issues. BMI can be misleading. You could be skinny but with a paunch and this would put you at risk of non-communicable diseases," he says.

High levels of visceral fat (belly fat stored deep within the abdomen, around the internal organs) can contribute to developing type 2 diabetes, hypertension, cardiac diseases and other health conditions. Indians are genetically predisposed to putting on weight around the abdomen making them more susceptible to insulin resistance, and therefore, diabetes. The guidelines released this year by the National Institute of Nutrition reflect this: they state that BMIs ranging from 23 to 27.5 are to be considered overweight for Asians, since they tend to have a higher percentage of body fat compared to some other populations.

Alternatives were proposed then, says Dr. Kurpad, who is also senior advisor, Tata Trusts, including waist-height ratios. This is a simple index: if your waist circumference is less than half of your height, you are in good shape, but if it is

more, then that indicates you are beginning to get spherical.

The problem of obesity is rising in India: according to the National Family Health Survey-5 (NFHS-5), the number of overweight/obese Indian men is now 22.9%, while the figure for women is 24%.

But Dr. Kurpad points to another issue as well. "BMI gives the impression that it is only physically overweight or obese people who are at risk of chronic diseases. But this is not true — thin people are also at risk, as are children. In fact a national nutrition survey in children aged 5 to 19 found that one in two children studied had higher than normal blood glucose levels, high BP and higher than normal cholesterol," he says.

Even if adults or children are of normal weight, explains A.J. Hemamalini, professor and head of the department of clinical nutrition at the Sri Ramachandra Faculty of Allied Health Sciences, Chennai, often, their fat mass is high and their muscle mass is low, and this is why BMI is not always an accurate indicator.

"We look at different components including biochemical profile, waist circumference, waist to height ratio and correlate this with dietary intake and physical activity, to arrive at an idea of their nutritional status," she says.

## More reliable alternative

Many studies have now shown that BRI may be better at predicting health risks than BMI.

In a paper published in *Diabetology International* in July 2021, researchers from JIPMER Puducherry noted that BMI's clinical utility is challenged by its "inability to discriminate between fat and lean mass and failure to report the fat distribution." The paper, 'Cut-off values and clinical efficacy of body roundness index and other novel anthropometric indices in identifying metabolic syndrome and its components among Southern-Indian adults,' by Chiranjeevi Kumar Endukuru et al, which studied 202 individuals, found that BRI, among other novel measures, had a "significantly higher predictive capacity to identify MetS (metabolic syndrome). Among traditional and novel anthropometric indices, the paper said, BMI and ABSI (a-body shape index) "exhibited the weakest predictive power to identify MetS in both genders."

A recent cohort study of over 32,000 U.S. adults, 'Body Roundness Index and All-Cause Mortality Among US Adults' published in *JAMA Network Open*, found that the "association between BRI and all-cause mortality followed a U-shape, with both lowest and highest BRI groups experiencing significantly increased risk of all-cause mortality," indicating that "BRI may be promising as a newer anthropometric measure associated with all-cause mortality."

But how reliable is BRI? It may be subject to human error. Writing for *The Conversation* last year, Alice Bullas, Senior Research Fellow, Sports Engineering Research Group, Sheffield Hallam University, said one study had found that eight out of 10 trained health professionals demonstrated such high levels of human error when manually measuring the abdomen that they failed to notice an increase of 3 cm the second time they took the measurement. "This margin of error will probably be even higher in people taking their own measurements at home," she wrote, adding that as a new metric, BRI also does not yet have the kind of extensive data backing up its use that exists for BMI.

While BMI, BRI and other indices to measure health risks may continue to be debated for some time to come, it's a good idea, says Dr. Kurpad, for everybody to use the simple waist to height calculation to keep track of their health.



## FROM THE ARCHIVES

# Know your English

K. Subrahmanian  
Upendran

"What happened to your leg?"

"Remember that bench in our garage?"

"Who can forget that old thing? Why, it must be as old as your grandfather."

"Older, actually. That bench belonged to his father."

"Then it's an antique. You can make a lot of money if you sell it."

"That's not possible now. You see, I fell on the bench this morning and it broke into pieces."

"Ah! So you are bankrupt, are you?"

"Bankrupt? Nobody becomes bankrupt because of a broken bench."

"But they do."

"What's got into you? How can we possibly become bankrupt because of a broken bench?"

"Because the word bankrupt literally means 'a broken bench'."

"What! 'Bankrupt' means 'broken bench'? You must be joking."

"No, I'm not. You see, the word 'bank' is derived from the old Italian 'banca' meaning 'bench'."

"But what's the connection between a bank and a bench? I don't see any."

"You don't see any connection, because when you think of a bank these days, you immediately think of a crowded building with a lot of counters. But when banking first started, business wasn't conducted in a building."

"Then where? Out in the open?"

"Exactly. Business was conducted on a 'banca', that is, a bench. The earliest moneychangers used to sit on a bench and all transactions used to take place on the bench. So the 'banca', from which we get the modern 'bank', became the place where monetary transactions took place."

"I see. And how did these moneychangers become bankrupt?"

"That's simple. When the bench broke, they became bankrupt."

"How did the bench break?"

"Usually, it was the money changer's enemies who broke it and sometimes it was his clients who did the breaking."

"Why did the clients break the bench?"

"Maybe they didn't like the service he was giving them. Or maybe they found out that he was cheating them."

"Well, if he was cheating his own clients then the bench deserved to be broken alright."

"You're right. And once the bench was broken, the moneychangers became bankrupt. Because you see, without the bench he couldn't transact any business."

"Rupta" is the Latin word for 'broken'. And as I said earlier, 'bankrupt' means 'broken bench'."

"So without a bench to sit on, the bankers couldn't carry on any business."

"That's right. But there were some people who used to stand on a bench and conduct business."

"Stand on a bench and conduct business? Who were they?"

"Mountebanks. Know who a mountebank is?"

"Isn't he a fraud?"

"That's right. A mountebank is a person who goes around deceiving people by claiming he can do wonderful things. He is a swindler. The word is rarely used these days."

Published in *The Hindu* on June 22, 1993.

## THE DAILY QUIZ

The American sitcom *Friends*, which went on to become a major cultural masterpiece, debuted on September 22, 1994. Here is a quiz on the show that turned 40 recently

Sindhu Nagaraj

### QUESTION 1

When the show was first being developed, what were the initial titles, after which it was changed to *Friends*?

### QUESTION 2

Which of the six characters on the show had a pet monkey in the first couple of seasons? What was the name of the monkey?

### QUESTION 3

Courteney Cox played the role of Monica Geller on the show. Initially, the makers wanted her to take the role of which character?

### QUESTION 4

What is the name of the show in which Joey portrays the role of Dr. Drake Ramoray?

### QUESTION 5

The series was nominated for 62 Primetime Emmy Awards, winning six. Who were the only two main cast members who won an Emmy? Who is the only actor who was not nominated?

### QUESTION 6

The show is quoted in this tennis player's autobiography. The said player was dating one of the guest actors, Brooke Shields who appears in the episode 'The One After The Super Bowl - Part 1: Name the tennis player and his book.



### Visual question:

Identify this actor, who had a guest role on *Friends*, playing the love interest of Phoebe Buffay. He was married to one of the show's main actors. Who was it?

### Questions and Answers to the previous day's daily quiz:

1. This player registered the first medal winning performance for India in the Chess Olympiad. **Ans: Mohammad Rafiq Khan**

2. Name the Grandmaster who holds the record for representing India in the most number of games in the open section of the Chess Olympiad. **Ans: K. Sasikiran**

3. Name the only player to have beaten D. Gukesh in the Olympiad. **Ans: Nodirbek Abdusattarov of Uzbekistan**

4. This Indian player registered the second highest ELO rating in the Budapest Olympiad. **Ans: Arjun Erigaisi**

5. The 2014 Indian team won bronze in the open section. This Indian GM had the best performance rating from this team. **Ans: S.P. Sethuraman**

Visual: Identify these three chess players. **Ans: The Khadikar sisters — Rohini, Vasanthi, Jayashree**

Early Birds: Nobody got all the answers correct

## Word of the day

**Patently:**

unmistakably

**Synonyms:** obviously, plainly, apparently, manifestly, evidently

**Usage:** His claims were patently false.

**Pronunciation:** newsth.live/patentlypro

**International Phonetic Alphabet:** /ˈpætəntli/

For feedback and suggestions for Text & Context, please write to [letters@thehindu.co.in](mailto:letters@thehindu.co.in) with the subject 'Text & Context'







## TRAI authorisation rules

Implications of a shift away from licensing

TV Ramachandran

The Indian Telegraph Act of 1885 has stood inexorably tall and firm for 140 years, adapting smoothly to the many monumental changes in technology and environment.

However, there comes a time when the old order needs to change, and this was heralded by the Telecommunications Bill 2023, which proposes an epoch-making authorisation framework instead of licensing.

While examining the TRAI Consultations on Framework for Service Authorisations, certain honest doubts may arise such as: How will the present licensing regime for specific services transition into one where authorisations are issued for services? What would that framework look like? How would that framework affect the operations of the existing players and enable entry of new players? What kind of regulation is warranted for different kinds of telecom network and services? More importantly, how will these changes impact the ease of doing business, competition, and the long-term objectives of India's digital economy?

The naysayers say that the proposals are mere semantics with the term 'licence' getting replaced with 'authorisation', and this needs to be countered.

### STREAMLINE THE PROCESS

The new framework must replace the cumbersome licensing regime with a more streamlined process. However, it is crucial that the objectives of this new framework serve overall national priorities of inclusivity and Viksit Bharat.

The guiding principles that drive the rules should be lowering entry barriers, encouraging competition, attracting more investments, fostering innovation, and reducing regulatory and administrative costs.

The true advantage of the authorisation framework will lie in its potential to catalyse innovation by providing a more flexible and adaptive regulatory environment.

Telecommunication services that do not utilise scarce resources and are not public-facing should be provided automatic or "general authorisations", requiring entities only to notify the Central government.

Wherever possible, exemption from authorisation, as provided in the Act should be provided to



TELECOM. For a stable policy regime (SHOCHOT)

foster entry for new players, and innovation.

One of the proposals is that of merging different service authorisations into a single, unified pan-India authorisation. While this might appear to simplify business operations, it could have far-reaching implications that may not serve the best interests of the market or consumers. India's telecom sector thrives on specialisation, with companies developing expertise in specific areas. Merging these specialisations into a single authorisation could undermine this dynamic, reduce competition, lead to higher costs, limit consumer choice, and stifle innovation.

Importantly, Satcom Authorisations must be separate from Terrestrial Telecom Authorisations for several key reasons: Satcom utilises different technologies, is delivered differently to end-users using different customer devices and operates under unique terms and conditions. The Telecommunications Act 2023, clearly provides that spectrum for satcom services, like GMPICS and VSAT, must be assigned through an administrative process.

Further, within satellite services, there must be a clear distinction between Global Mobile Personal Communications by Satellite (GMPICS) and Commercial VSAT CUG authorisations. GMPICS allows for voice, data, video, and messaging with connectivity to public networks, while Commercial VSAT CUG is limited to point-to-point data connectivity within a closed user group (CUG) without such connectivity.

The focus should be on creating a stable, predictable policy and regulatory environment that encourages both existing players and new entrants to innovate, invest and compete.

The writer is President, Broadband India Forum. Views are personal; inputs by Sundeep Kathuria and Shubhika Saluja

# The perils of Trump's tariff hike plans

It will raise costs for US consumers, and wreck the entire global trading system



REUTERS

## THE WIDER ANGLE.



PARAG BALAKRISHNAN

The US economy must have no challengers, says ex-president Donald Trump. And certainly not China. The only problem is his MAGA (Make America Great Again) strategy would involve slapping tariffs on virtually every product entering the US and potentially also destroy the global trading system.

India isn't a great trading nation but we'd certainly be hit even if only part of his plans became reality. (Trump called India "a very big abuser of tariffs" just before Prime Minister Modi left for his latest US visit).

For starters, Trump wants to slap 60 per cent duties on nearly all Chinese goods from computers (exports of over \$200 billion), semiconductor devices (\$29 billion) or non-knit women's suits (\$29 billion). He scoffs when economists tell him such moves would send prices soaring.

"When you take a hard look at the data, they really aren't worth it for jobs and they raise costs for consumers," says Biden Administration economist Kim Clausing. But Trump insists these moves will return jobs to the US and turn it into

a thriving, full-employment nation.

Other friendlier trading partners might get off lighter with 10-20 per cent tariffs. Pushing tariffs to levels unseen since the 1930s, according to the Trump School of Economics, would bring in cash, make it possible to slash taxes and, thus, achieve the US extreme right's dreams.

For 200 years, Britain was funded by tariffs, the *Financial Times* notes, without endorsing the idea. Income and other personal taxes only began supplying significant revenue at the start of the 20th century. World War I sent UK taxes soaring from 6 per cent in 1914 to 30 per cent in 1918. In the US, top tax rates for the very rich were even higher post-war.

Many tax hardliners argue Nafta (North American Free Trade Area), which allows duty-free imports from Canada and Mexico, should also be torn up which would be devastating to both economies.

More importantly, Trump insists to voters in heartland manufacturing

During the last Trump administration, the job losses from trade retaliation were higher than the job gains from tariff protection, economists say

states who have lost employment due to imports, such moves would return jobs to the US.

Trump's arguments have found fertile ground among unions with traditional Democratic allies like the Teamsters refusing to endorse Kamala Harris. Even the Biden administration blames China for the loss of manufacturing jobs. Treasury Secretary Janet Yellen raised temperatures in April by saying two million US manufacturing jobs had been lost since 2001 when China joined the World Trade Organization (WTO).

### BYPASSING WTO RULES

China is hitting back at the US by taking its case to the WTO. But in recent years, countries like the US have been paying little heed to WTO rules.

Trump's tariff plans are the equivalent of showing two fingers to the WTO — and blowing the entire global trading system to bits.

There are some harbingers of what might happen if Trump raised tariffs through the roof. We just have to look back to the US 1929 Smoot-Hawley Act that hiked tariffs to 20 per cent on 20,000 items, the aim being to protect US farmers during the Great Depression. Inevitably, other nations hit back and US exports crashed by two-thirds between 1929 and 1932. Imports also cratered.

But, most importantly, unemployment doubled from 8 per cent

in 1929 to 16 per cent in 1931, aggravated by the Act's impact. It should be noted the Democrats are also in favour of tariffs, just more targeted, careful and strategic ones aimed at industries trading unfairly.

In fact, during the last Trump administration, the job losses from trade retaliation were higher than the job gains from tariff protection, economists say. Trump's latest plan would raise costs for an average family by at least \$1,700 a year, they say. Harris argues the effect of his tariffs could be as much as \$4,000 per household.

But Trump is intent on doubling down. In the US and right-wingers in Europe are desperately looking for ways to cut taxes while boosting jobs, while maintaining social services and standards of living.

Ex-British prime minister Liz Truss is making videos claiming her disastrous tax-cutting budget was the right move at the right time and would have changed the direction of the country's economy if she hadn't been summarily turfed from office.

But it's the battle between the US and China that will determine the direction of the global economy in the coming years. India has discovered it's tough to keep the economy chugging along without Chinese products. If Trump becomes president and tries to slap huge tariffs on Chinese products he may make the same discovery.

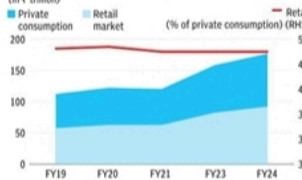
## STATISTALK.

Compiled Arun K Shanmugam | Graphics: Viswesvaran V

### How the Indian retail industry is growing and transforming

Retail has stayed firm at around 48 per cent of private consumption expenditure which is on an increasing trend. Apparel and apparel accessories stand to be the fastest growing segment within retail. While the segment is largely unorganised, the penetration of organised players has been on the rise with a significant jump since FY23. Also, the e-retail segment has been growing at a fast pace with >30 per cent y-o-y growth in FY23 and FY24

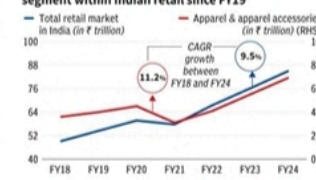
#### Retail remains the mainstay of private consumption



#### Organised retail gaining market share with every passing year



#### Apparel & apparel accessories is the fastest growing segment within Indian retail since FY19



#### E-retail has been growing at a breakneck pace since FY22



Source: BOP of Bazaar Style Retail Limited.

## Short take

### Greece to slash debt to lowest since 2009

Sotiris Nikas

Greece aims to cut about 20 percentage points from its debt pile within just four years in another milestone in the escape from its decade-long crisis, the country's finance minister said. In an interview, Kostas Hatzidakis predicted that government borrowings will shrink to "close to 130 per cent" of gross domestic product by the end of 2028, bolstered by an economy that has been outperforming its peers.

"This is a really significant reduction," the minister said, speaking in his office in central Athens. Greece's debt ratio peaked at 207 per cent in 2020 and is already projected by the government to shrink to 152.7 per cent this year. Along with shaking off junk status last year, the prospect of Greece no longer standing out as the region's most indebted sovereign would amount to a remarkable turnaround for a country that was once virtually bankrupt within the euro zone, and almost left the single currency. The new projections will be included in a fiscal plan that will be submitted to Brussels in early October. What's helping Greece at present is an economy that is outperforming most of its European peers. It grew 1.1 per cent in the second quarter, at a time when the euro region as a whole eked out expansion of just 0.2 per cent.

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### TWENTY YEARS AGO TODAY.

September 25, 2004

#### Corporation Bank to explore acquisitions

The Mangalore-based Corporation Bank is the latest to join the takeover bandwagon. The bank's board has passed a resolution authorising the Chairman and Managing Director to explore the possibility of acquiring other banks. The bank also wants to protect itself from any takeover bid.

#### SC to hear Zee plea against BCCI decision

The Supreme Court will on Monday hear a writ petition filed by Zee Telefilms challenging the cancellation of the telecast rights awarded to it by the Board of Control for Cricket in India (BCCI) between 2004 and 2008 and re-opening of the tender process. Since the BCCI has filed a caveat, the court will also hear its version before passing any order.

#### Govt rules out selling stake in Maruti Udyog

The Government ruled out selling its stake in Maruti Udyog Ltd, a day after Suzuki announced giving significant stake to the largest Indian car company in its new joint venture for cars and diesel engines. "We will not sell our stake in Maruti," the Heavy Industries Minister, Mr Santosh Mohan Dev, told PTI. Under the revised agreement Suzuki got majority 54.2 per cent stake in MUL.

## BL TWO-WAY CROSSWORD 2533



## EASY

### ACROSS

1. Become firm, set (8)
4. Look lecherously at (4)
8. Beam of light (3)
9. Computer control (5)
10. Emmet (3)
11. Artist's colour-board (7)
12. Jockey (5)
13. Feigning sickness to avoid work (11)
17. Professorship (5)
18. Hold up, bear (7)
20. Greek long 'e' (3)
21. Was audibly aware (5)
22. Pastry dish (3)
23. Memorandum (4)
24. Given a sudden fright (8)

### DOWN

1. Leather ties (6)
2. Faithful (5)
3. Barb of an anchor (5)
5. Cheer one up (7)
6. Complete, whole (6)
7. Subjected to abject fear (10)
9. Government by woman or women (10)
14. Unyielding (7)
15. Shield (6)
16. To mean to (6)
18. Dandified (5)
19. Fill one with horror (5)

## NOT SO EASY

### ACROSS

1. It will set if so idly disposed (8)
4. Make sheep's eyes at nothing, having broken leg (4)
8. It sheds some light on the fish (3)
9. What will army doctor employ for a black eye? (5)
10. Soldier perhaps entering Cuban territory (3)
11. Range of colours allowed in a pet composition (7)
12. Who's up for an added corollary? (5)
13. Avoiding work when lame, ringing the changes (11)
17. Seat one took when cleaner was around (5)
18. Keep it up as Tunis sorts it out (7)
20. Letter shows when militant Basques are expected to come (3)
21. Came to learn of it being right in the noddle (5)
22. Sort of chart a specialty of Périgord (3)
23. What musician will play for a tenor, say (4)
24. Given a fright, begin to be guided by it (8)

### DOWN

1. Harnes, parts of which turn up at top of stable (6)
2. It's true one might get alloy out of it (5)
3. It's the merest chance it will be found on an anchor (5)
5. Make one happy to dangle it round desktop (7)
6. How to enter one that's all there (6)
7. Victim of violent threats was shown how Terriers do it (10)
9. Where a woman is head of a family, I try it out (10)
14. Won't yield a damn at its conversion (7)
15. It shields one from the picture shown on it (6)
16. Have it in mind to be at home to look after one (6)
18. Burning sensation of being electronically controlled (5)
19. It will horrify one to have a Laplander turn up (5)

## SOLUTION: BL TWO-WAY CROSSWORD 2532

ACROSS 1. Pantheism 5. Cow 7. Ruby 8. Accolade 10. Identity 11. Fall 13. Grange 15. Moment 18. Drop 19. Fixation 22. Attitude 23. Peal 24. Eye 25. Warranted  
DOWN 1. Parting 2. Noble 3. Incite 4. Moot 5. Charade 6. Wheel 9. Stage 12. Local 14. Apostle 16. Tangled 17. Tinder 18. Drake 20. Inert 21. Stow



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WEDNESDAY • SEPTEMBER 25, 2024

## Kings and queens

India stamps its authority on the global chess stage

India's Hungarian triumph has been hailed by many as a pivotal moment for chess in the country. For years, the sport relied almost exclusively on the genius of Viswanathan Anand for sustenance. But 2024 has changed everything. Walking through the doors pushed open by Anand, India's next-gen is charting ways to command chess the way the country has never done before.



Clearly, the scale of the achievement has not sunk in for many. Going into the 45th edition of the Chess Olympiad in Hungary, it was expected India would bring home a medal or two, as it was seeded first and second in the women's and open section, respectively. However, both the Indian teams went beyond expectations by bagging maiden gold medals in both divisions and in four individual boards. India also retained the Gopindashvili Cup, the trophy awarded to the nation with the best overall performance. India's double title win in Budapest is a sporting achievement on par with any for the country, considering the Chess Olympiad is the pinnacle of the sport in a team format. What also stood out was the emphatic nature of India's win, particularly in the open section. The team—consisting of D Gukesh, R Praggnanandhaa, Arjun Erigaisi, Vidit Gujrathi and P Harikrishna—emerged unbeaten in the 11-round tournament, drawing just one tie, to Uzbekistan in the ninth round. India lost just one individual game out of the 44 it contested. India's near-flawless run was powered by World Championship challenger Gukesh, who won nine out of 10 games in the top board, securing the individual gold in the process. Also in the mix of things was Arjun Erigaisi, who 10 wins out of 11 won him gold in the third board, while also lifting him to a career-high third in the FIDE live rankings.

The Indian women's team, playing without its top-ranked player Koneru Humpy, was stretched considerably more than its counterpart. Going into the final day, India was forced into a practically must-win situation to claim gold. But the side held its resolve as it dismantled Azerbaijan to evade the challenges of Kazakhstan and the USA to lift the title. India's title charge was driven by Divya Deshmukh and Vantika Agrawal. What unites both the Indian teams is their youthful composition. Of the 10 Indians to battle it out in Hungary, six are under 24, hinting at a potential for the country to dominate global chess for years. Gukesh is primed to take down China's Ding Liren and become the youngest World Champion. Arjun is a stone's throw away from breaking the 2800 ceiling in live ratings. Praggnanandhaa continues to claim prized scalps in big-ticket tournaments. Divya is ever so close to becoming the fourth Indian woman to attain the Grand Master title, months after Vaishali did so.

It is, however, unfortunate that India's assertion on the global chess stage has not been celebrated in the way that wins in other sporting events are. Prominent public figures seem to have given it a miss. The kings and queens of Indian chess deserve better.

## POCKET



"I will get someone to help you. We shut the savings counter thinking no one will be able to use it these days!"



## Merger norms: CCI's retrospective googly

**DEAL BLOCKS.** The new rules, by being retroactive, can raise compliance costs and disrupt earlier deals



VINOD DHALL  
GAURAV DESAI  
JUHI HIRANI

The Indian merger control regime recently witnessed a significant transformation with the introduction of a new set of regulations of the Competition Commission of India (CCI). These among other things bring in for the first time the much talked about deal value threshold. Interestingly, and in a departure from past practice, these regulations apply retroactively to deals that have been signed, but not closed.

Whilst the intent behind introducing a threshold based on the value of a transaction was to exercise jurisdiction over mergers and acquisitions that might otherwise be overlooked, its retroactive application has sparked uncertainty in the regulatory landscape. The implications of this move are far-reaching, affecting dealmaking timelines, established legal frameworks, market dynamics, and investor confidence.

Traditionally, significant changes to the Indian merger control regime have been applied prospectively, allowing sufficient time for businesses to adapt. For example, when combination regulations were first introduced in 2011, transactions approved or signed before the effective date were granted a safe harbour.

In fact, the CCI had taken a view then that for the first one year it would not commence gun jumping proceedings against any party that had concluded a deal without the CCI's approval. Similarly, when the long-form merger

filing format was revised in 2022, a one-month notice period was provided before the new Form II took effect.

Whilst the latest regulations do not provide a transition period, this is somewhat mitigated by the fact that the amendments were well-communicated in advance. The amendment process was extensively publicised with draft guidelines or FAQs would be helpful in clarifying these aspects.

Nevertheless, some interpretational issues remain, particularly concerning the deal value threshold, and detailed guidelines or FAQs would be helpful in clarifying these aspects. The most concerning aspect of the new merger control regulations, however, is their departure from established practice by applying the new rules retroactively to deals that were signed but not yet fully consummated (either wholly or partly) before the regulations came into effect on September 10, 2024.

**IMPACT ON DEAL STRUCTURING**  
The application of the regulations to deals signed before their enactment creates uncertainty for businesses. This will require parties to transactions that have already been signed to re-evaluate deals under the new regulations.

Such deals may also end up having to obtain regulatory approvals that were not initially anticipated. This is because

**Start-ups may find themselves in a limbo while awaiting regulatory approval, which can disrupt cash flow, plans, and threaten their survival**

transactions are negotiated with transaction documents, including conditions precedent such as merger control approvals, prepared according to the law in effect at the time of signing.

However, due to the retroactive application of the new regulations, deals signed before the regulations came into effect may need to be renegotiated to comply with the amended regulations, and the trigger document(s) may need to be amended.

This could lead to delays or even the cancellation of deals if the compliance costs are too high, or if the transaction is no longer commercially feasible under the new regime or with the revised timelines. Start-ups, in particular, often rely on timely injection of capital or acquisition by larger firms to scale. If a transaction signed before the new regulations is subjected to retroactive review, it could delay the funding round.

Start-ups may find themselves in a limbo while awaiting regulatory approval, which can disrupt cash flow, strategic plans, and, in some cases, even threaten such start-ups' survival.

#### IMPACT ON FOREIGN INVESTMENT

Foreign Direct Investment (FDI) is critical for emerging markets like India, particularly in sectors such as technology, infrastructure, and manufacturing. Foreign investors often rely on regulatory predictability when making investment decisions.

Such retroactive application undermines this predictability as foreign companies may hesitate to enter the market or expand their existing operations in India, potentially creating a chilling effect on foreign investment and the ease of doing business.

Parties may look to insert protective clauses in transaction documents (such as material adverse change clauses) to

address regulatory risks, but this could complicate negotiations.

For the CCI, a retroactive application of the merger control regulations brings its own set of challenges. The CCI may face an upsurge in filings as parties rush to comply with the new filing requirements for deals that have already been signed.

This could place additional strain on the regulator's already limited delays in processing.

To meet statutory timelines, the CCI might be compelled to invalidate a larger number of filings, which could, in turn, have a cascading effect on (the already extended) deal timelines.

In the light of these considerations, companies will need to invest in thorough due diligence and legal expertise to effectively navigate the complexities of the new framework. The coming months will likely witness an uptick in regulatory filings, along with broader questions regarding interpretational issues and the overall impact of these regulations on India's investment climate.

As India continues to refine its competition policy, it will be crucial to strike a fair balance between regulatory intervention in order to promote fair competition and maintaining a stable, predictable and certain regulatory environment for businesses. Achieving this balance is key to fostering both domestic growth and attracting foreign investment, and ensuring that India remains an attractive destination for business in the global market.

In the light of the above analysis, it may be desirable for the CCI to reconsider the retroactive application of the new deal value thresholds to deals already signed but not closed.

Dhall is former head of CCI, Desai is Partner and Hirani is Associate at Touchstone Partners, Delhi

## Bright days ahead for solar sector

More solar manufacturing clusters, global collaboration and greater thrust on skill development are needed

Sumant Sinha

As the 4th RE-Invest event in Gandhinagar, Gujarat, concluded, solar power took centre stage with significant commitments announced. Prime Minister Narendra Modi, during the event, referred to India's solar revolution as a golden chapter in its renewable energy journey. RE-Invest 2024 saw major commitments from India Inc to increase the country's renewable capacity by 570 GW, with manufacturers pledging 340 GW of solar modules and 240 GW of solar cells. Installed solar capacity has grown 30 times over the last decade, from 2.82 GW in March 2014 to 87.21 GW by July 2024, making India the third-largest producer of solar power globally. The country is expected to reach 280 GW of installed capacity by 2030.

India's solar manufacturing capacity is supported by policies like Performance Linked Incentives, non-tariff barriers, and ambitious targets. According to Mercom India, solar module and cell manufacturing capacity stood at 70.3 GW by December 2023.

Additionally, solar module exports surged by 91 per cent, reaching \$1.97 billion in fiscal 2023-24. The Union Budget's proposals for solar manufacturing will further boost global competitiveness and help Indian manufacturers scale up.

Despite this progress, India's solar potential remains largely untapped. States like Rajasthan, Gujarat, and Karnataka lead solar power production, yet the country's total potential is estimated at 748 GW, according to the National Institute of Solar Energy. Programmes like the PM Surya Ghar Muft Bijli Yojana, which aims to install rooftop solar panels for 1 crore households, and the KUSUM Scheme for farmers, are pivotal.

These initiatives empower people to generate their own electricity and help scale up clean energy deployment. Gujarat, particularly, has emerged as a leader, with the momentum built during the Gandhinagar event further energising these efforts.

On the manufacturing front, while India's solar module imports from China dropped by 76 per cent and solar cell imports by 17 per cent between April and September 2024, the country remains reliant on imported raw



**SOLAR POWER.** Untapped potential

materials. To become a global solar supplier, India must establish a sustainable, vertically integrated solar manufacturing ecosystem. We need to match China on both cost and innovation across three critical areas: (i) Cluster development: Solar manufacturing clusters should encompass the entire supply chain, from modules down to cells, wafers, ingots, polysilicon, and other key components. Dholera in Gujarat is an emerging cluster, but many more such clusters are urgently needed across the country.

(ii) Global partnerships: Collaboration on emerging technologies like Perovskite Solar Cells, Bifacial Solar Panels, and tandem solar cells is crucial for India's solar future. India should actively explore strategic partnerships

with the US, EU, and other regions, leveraging their combined manufacturing expertise, technological advancements, and fiscal trade for maximum impact. A cooperative trade policy will help diversify and secure global supply chains for solar components.

(iii) Skill development: Advanced technical skills are necessary to facilitate the transition from module production to cell manufacturing and further upstream in the supply chain. India must foster robust government-private sector collaboration to launch comprehensive advanced manufacturing and R&D skill programmes, establish international talent exchanges, bolster industry-education partnerships, and encourage hands-on learning initiatives to fill the growing technical gap.

India has been a global front-runner in deploying and scaling up solar energy. The success of RE-Invest 2024, with strong participation from Indian and international stakeholders, reinforces India's leading role. With the right steps, India is set to sprint ahead in the solar race, driving the world's clean energy transition.

The writer is Founder, Chairman and CEO, ReNew

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#### Poll challenges

India's 'One Nation, One Election' proposal aims to hold simultaneous national and state elections to reduce costs and improve governance stability. However, it poses several challenges, including risks to federalism, logistical difficulties, and potential disadvantages for regional parties. It could also lead to governance disruptions, require significant constitutional changes, and overwhelm voters. Additionally, it might divert attention from local governance issues. There is also a possibility of policy paralysis as parties would be occupied for a period in election campaigns. Careful

planning and consideration are needed to address these concerns.  
**Sriharsha R**  
Khammam (Telangana)

#### Used-cars zoom ahead

It is with reference to the news article 'Pre-owned car market grows with dip in demand for entry-level cars' (September 24). Two decades it was difficult to buy a pre-owned car. But in recent years India has witnessed remarkable growth driven by factors such as affordability, accessible financing options, enhancement in vehicle quality and reliability and advancements in online platforms

for buying and selling used vehicles. As the present generation wants to travel in luxury cars they prefer pre-owned cars. Car companies should find a new strategy of exchanging old ones for new cars with modern facilities in reasonable price.  
**P Victor Selvaraj**  
Palayamkottai (Tamil Nadu)

#### Change in Sri Lanka

The urge for change is palpable across geographies. Sri Lanka is the latest to ride the wagon. It was Bangladesh the other day and Pakistan is unable to put down Imran Khan's movement. Democracy has ever remained intangible in the saga of civilised human social political discourse.

Nations, big and small, keep waving struggle towards socio-political resurgence and to redefine the sum and substance of a state's true well being. Popular movements could be transient, nevertheless these are vital to an evolving and impatient society. A simmering cause begets its own cadre, be it Left or Right.  
**R Narayanan**  
New Mumbai

The resounding victory registered by the JVP-led coalition headed by Anura Kumara Dissanayake is a rejection of the dynastic politics and the status quo. Lankans opted for a man who has promised to root out corruption

and ease their economic burdens. His humble working class background, becoming the first person in his village to go to university, has a strong appeal for Sri Lankans fed up with the parties of privilege and entitlement. During the 2022 uprising that saw desperate Sri Lankans buffeted by a severe economic crisis storming the Presidential palace, the JVP was able to strike a chord with its distinctly anti-establishment stance. But, for Dissanayake it is a long and exciting road ahead as he takes over the reins of a nation troubled by economic chaos.  
**N Sadasivam Reddy**  
Wadhawan, US