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Different route to the same result

Better policing, and not just a liquor ban on highways, will help curb drink driving

The recent Supreme Court (SC) order banning the sale of liquor within 500m of national and state highways has put city and state authorities in a flap. From re-designating highways to seeking legal redress, officials are hunting for ways to circumvent the order and keep the businesses going. The main reason for this rush to find escape hatches is not difficult to guess: The first weekend after the order saw the hospitality industry lose crores of rupees and the states lose lucrative revenue. Then there has been talk on loss of employment. For example, the Hotel and Restaurant Association of Chandigarh said that over 5,000 people could be laid off due to the order. With such fears surfacing in the media, online and offline discussions have been mostly restricted to revenue and employment losses.

But there is another dangerous trend that the SC order has triggered in states: Re-designation of highways. Chandigarh, Uttar Pradesh, West Bengal and Rajasthan are rebranding their state highways as district roads. Many of these pubs are also looking to move into residential areas to circumvent the rule. And if a story from Kolkata is to be believed, cars are the new bars along the highway and alcohol is also being served at dhabas, all illegally, of course. In Gurgaon, developers are making changes in entries and exits of properties, violating sanctioned plans. So to be in line with one law, people will be flouting others.

The re-designation of highways as district roads could turn out to be dangerous in the long run because their maintenance may not be up to the mark, leading to road accidents. If the courts want to stop people from drinking and driving – no doubt a noble objective – it should ensure that the laws are implemented better by the police. The new Motor Vehicles (Amendment) Bill 2016, which the Cabinet has approved, has raised the penalty for drink driving five times to ₹10,000 and if such driving results in the death of another person, the driver can be booked for a non-bailable offence with imprisonment up to 10 years. The Bill has been introduced in Lok Sabha. Bengaluru and Mumbai have shown that better policing and implementation of the law can help curb drink driving. The strong implementation of the law has even got the market responding with several companies providing drivers to ferry drinkers home. There is no reason why other states should not follow similar policing measures to stop drink driving.

Fear of the K-word

The US stand on being proactive on Kashmir does not amount to mediation. India has missed the point

One of the continuing signs of India's lack of confidence is that saying the word "Kashmir" in an international forum results in near hysteria among the Indian chattering classes. The recent comments by the new United States ambassador to the United Nations, Nikki Haley, were a case in point. Haley never mentioned the word "mediation" nor, for that matter, the word "Kashmir". She spoke largely about the US being prepared to be pro-active in preventing any conflict between India and Pakistan. At best, this was a set of ad hoc comments that were open to interpretation. The US has intervened in the past to prevent conflict between the two countries – it played a key role in ending the Kargil conflict and did so in a manner that favoured India. However, this is hardly the same thing as mediation.

The first and most interventionist phase, lasting until the early 1960s, saw Washington actively use the United Nations or unilateral actions to force India and Pakistan to the table – and use its diplomatic leverage to find a common language. This legacy still haunts the Indian imagination, even though it came to a close over a half-century ago. For the next quarter of a century the US largely lost interest in Kashmir, preferring to tighten its alliance with Pakistan for other strategic reasons. The flare-up in Indo-Pakistan tensions during the Kashmiri secessionist violence of the late 1980s shifted the US to a crisis management posture. Nuclearisation further enforced the sense that the primary US interest was one of preserving stability. The recent advent of global Islamic terror and the transformation in Indo-US relations has meant a further strengthening of the view that the US role was crisis-handling, but a genuine solution was a bilateral issue. Haley's comments are fully in line with such a policy.

The simple truth is India is now too large an economic and military power to be told what to do on an issue like Kashmir by even the sole superpower. Kashmir mediation is a dead horse and it is time Indians stopped floundering themselves with the belief it can come back from the grave.

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Gender parity in the dock

There are very few women in the higher judiciary. It's time to take affirmative action to rectify this, writes JAYANTHI NATARAJAN

The Supreme Court of India came into existence in 1950. Since then, only 6 women have ever been appointed judges of the Supreme Court. This, in a country where our Constitution mandates equality for all, and prohibits, inter alia, discrimination on the basis of gender. Does this then mean that although comprising almost half of a 1.25 billion population, only six women, were found suitable, over 67 years to be appointed to the Supreme Court? Or is it a stark testament to the fact that the concept of gender equality has a good shelf life, but little real impact on the ground level, in our country? Quite obviously, the answer is that women are not by any means equal participants in our democracy, particularly in the judiciary.

On February 18, five new judges were appointed to the Supreme Court. All were men. The strength of the Supreme Court rose to 28 judges, as against a sanctioned strength of 31. Only one of the 28 puisne judges of the Supreme Court Justice R. Bhanumathi, is a woman. Since the creation of the Supreme Court upto 2015, 229 judges were appointed of which only six were women.

The first woman to be appointed as a judge of the Supreme Court was Justice Fatima Beevi, in 1989, a good 39 years after the creation of the Supreme Court. In proportion to 611 male judges in the High Courts there are only 62 women judges, as of 2016, which is roughly 9.2%. In nine state High Courts, there is not even one woman judge, and three state High Courts, boast of one woman judge each. Delhi High Court has the highest number of women judges, supporting a fairly reasonable assumption that the large number could be attributed to a woman Chief Justice there.

Approximate estimates of women judges in lower courts put the figure at around 28%, while, women lawyers appear

to be 10% of the total number of lawyers. Significantly, law students appearing for the law exam had almost equal number of men and women (48%). It would be fair to assume that it is not lack of education or availability preventing women from being appointed judges in the higher judiciary, but rather, that the higher the process went, from law students, to lawyers, lawyers to lower judiciary, thence to the higher judiciary, the attenuation of women is drastic, and terrible. Clearly, women do study law, as they do medicine or engineering. However, while navigating the organisational politics of upward mobility, they begin to fall by the wayside.

Justice Prabha Sridevan observes, "In a healthy democracy, the judiciary must be a mirror of the whole society. This is not an argument against merit, but an argument for inclusion... There are many deterrents for a woman practitioner of law who is an aspirant to the Bench, all created by the realities of history. They should be removed by those who make the selection by considering gender and its attendant issues. The glass ceiling is there not because they (women) lack merit, but because they are women..."

Women toil at the lowest and most physically demanding of jobs. Whether agriculture or construction, it is women who bear the brunt of the work, despite terrible discrimination in remuneration and working conditions. Women work everywhere, at home, and outside, and achieve pinnacles of excellence, in business, profession and sports. We have had a woman President, and a woman Prime Minister. Yet, we have been unable to achieve a reasonable number of women on our court benches.

In a polity like ours, where the legal field forms one of the most important pillars of our democracy, and the courts still command the faith of citizens at large, where the judiciary is the interpreter of the law of the land; it is quite simply unac-

ceptable not to have a critical mass of women judges. This is not to postulate that all male judges are anti-woman – although several do have inherently patriarchal mindsets – or that women judges will necessarily uplift the cause of women. The argument for a critical mass of women judges rests on the simple proposition that a "larger number of women in the judiciary would promote gender equality if only because their proportionate presence in the profession would itself reflect it" as Rajeswari Sundararajan put it. Further, women can certainly hope that women judges would understand their travails better.

In 2015, the Supreme Court Women Lawyers Association vociferously argued before the Supreme Court that there should be greater representation for women on the Bench. In the absence of sufficient women judges, our judicial pronouncements would lack a female sensitivity or dimension. Chief Justice Khehar (then a puisne judge) while hearing the arguments, observed that the ratio of women judges should be the same ratio of women lawyers to male lawyers. With all due respect, this particular criterion is very unfair to women, who are prevented not by lack of talent or hard work, but by discrimination and related hurdles from heading law firms or being designated as senior advocates. As with other fields, allowances must be made for the discrimination faced by women lawyers, and suitable weightage given to this when judges are appointed. This would not be reservation, but affirmative action. In the interests of half the population of this country, the Collegium of Judges, responsible for judicial appointments, and the Government should take serious note of this clarion call from the women of our country.

Jayanthi Natarajan is a lawyer, political activist, and a former Union Minister. The views expressed are personal



Justice G Rohini is the first woman Chief Justice of the Delhi High Court, which has the highest number of women judges in the country

newsmaker

KIRAN RIJU Union minister of state (home)

THERE IS NO POLITICAL ANGLE BEHIND HIS HOLINESS'S VISIT TO ARUNACHAL PRADESH. IT IS COMPLETELY RELIGIOUS. CHINA SHOULD NOT OBJECT TO HIS VISIT AND INTERFERE IN INDIA'S INTERNAL AFFAIRS... THERE MAY BE SOME DIFFERENCES OF OPINION... BUT CHINA HAS NO LOCUS STANDI OVER ARUNACHAL PRADESH.

Illustration: SIDDHANT JUMDE



THINK IT OVER »

ISN'T IT ENOUGH TO SEE THAT A GARDEN IS BEAUTIFUL WITHOUT HAVING TO BELIEVE THAT THERE ARE FAIRIES AT THE BOTTOM OF IT TOO?

DOUGLAS ADAMS

No moats around Indian e-commerce sites

To replicate the Amazon success story, the likes of Snapdeal and Flipkart need to build delightful buyer experiences

K Vaitheeswaran

After burning billions in venture capital, Indian e-commerce companies are now realising that there's no such thing as unlimited funding, impressive losses are a thing of the past and they need real profits. Investors who were hitherto encouraging entrepreneurs to acquire customers at any cost and show meaningless GMV (gross merchandise value) have all flipped in a snap and are now pushing the same entrepreneurs to urgently become profitable and the entrepreneurs are like deer in the headlights.

This situation is not surprising at all.

With so much capital and resources at their command, Indian e-commerce firms should have focused on building delightful customer experiences using the simple CAPS framework – Convenience, Availability, Pricing and Selection. Simply put, e-commerce sites must make available to their shoppers a wide selection of great merchandise at attractive prices delivered reliably and conveniently. And the harsh truth is they have miserably failed on this account despite promising so much. Today they are facing a relentless onslaught from Amazon – the gold standard in online shopping globally who is rapidly luring away all people through excellence in customer experience – and probably ruing the fact that they could have done things differently.

As a shopper, can you think of a single reason why you would shop at a Flipkart or Snapdeal over Amazon. Higher quality merchandise? Unique stuff? Better laid out website? Faster app? Lower prices? More reliable deliveries? Amazon's increasing market share in India will provide the answers.

In reality, Indian e-commerce firms have been distracted from the core principles of online shopping. Have you ever wondered why electronic commerce is popularly referred to as e-commerce and not electronic-c? This is because despite all the technology hype surrounding electronic commerce, the business was, is and will always remain about the commerce. When you fly from Mumbai to Delhi, do you choose an airline that has convenient timings, low prices and a reputation for good service? Or do you evaluate carefully between Boeing and Airbus aircraft powered by Rolls-Royce or Pratt & Whitney engines? Will you shop regularly at a site that offers great service experiences or at a competing app which employs more computer programmers at high salaries?



Indian firms can create business differentiators that Amazon will find hard to match

There is an apocryphal story about a bright student, furiously writing his examinations, getting distracted by an irritating mosquito. He immediately squashes the mosquito resulting in bloody smears on the answer paper. A neighbouring student, blindly copying from this student gets flustered by this sudden action and immediately starts searching for another mosquito to squash on his answer paper as well.

Indian e-commerce firms have taken a similar approach in trying to do whatever Amazon is doing. Instead of building business moats around their ventures, they have gone down the anachronistic path of building a technology start-up because Amazon is a tech company by hiring a bloated staff of highly overpaid engineers, including from Silicon Valley, to aid them in their goal of building a very high tech consumer internet firm. This narrative also found enthusiastic favour with global investors who were happy to write big cheques supporting "consumer technology" firms because it was part of their portfolio strategy instead of funding entrepreneurs building sustainable ventures.

So, what's the problem? Haven't the likes of Amazon and Ebay built successful e-commerce businesses by being a consumer tech firm? Yes, they have. The problem is the timing. When Amazon and Ebay pioneered global e-commerce in the mid 1990s, they had no choice but to build their own technology platforms by hiring teams of engineers and

they continued with this strategy as they expanded.

Two decades later, thanks to the popularity of low cost (almost 1/1000th), fully featured, high quality SaaS (software as a service) platforms, hiring large teams of expensive engineers to build e-commerce engines is passe.

Worse, the mindset becomes a challenge. You think in a certain way when you start a technology firm with unlimited funding and then suddenly, against your wishes, you are dragged kicking and screaming to make a transition to a frugal merchandise and operations focused retail firm.

This is a challenge that can destroy most organisations, which is what we are currently seeing all around us.

All's not lost though. Indian e-commerce firms can still regroup and build business differentiators that Amazon will find hard to match. This is not impossible and they can learn from unarguably India's best e-commerce company, IRCTC, who have nailed the principles of successful e-commerce – great problem solving and convenience with exclusive merchandise. Sure, we can be cynical and point out to government monopolies but that will be simply missing the point.

Which is exactly what's been happening in India so far.

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innervoice

Dishonesty will compromise the quality of life

MN Kundu

Sometimes, we find that people achieve their objectives by dishonest means. Successful people in the field of business, politics and even religious preaching achieve objectives by tricks and dishonest ways. Therefore we tend to believe that honesty is not very effective in today's world.

Close scrutiny, however, reveals otherwise. Undoubtedly people achieve their short term objectives by dishonest means but they are invariably distanced from their ultimate aim. Sooner or later dishonesty is invariably revealed and we are made to pay back in the same coin by the unavoidable law of karma which operates with mathematical exactitude. We invariably feel the prick of conscience for dishonest deeds and thereby lose the joy of the outcome.

When some compromise with honesty pays dividends, why should we stick to honesty to lose and opt to suffer? Given the choice, most of the people will prefer *preya*, or the pleasurable compared to *shreya* or the really superior.

If we accept honesty only as a matter of policy we have the choice to be dishonest. But if we accept honesty as a matter of principle we have no choice irrespective of the outcome.

Our success does not depend on achieving every objective, but in winning the battle of life by achieving peace and happiness. What we achieve through dishonesty ultimately gives more unhappiness than happiness. Honesty gives happiness throughout irrespective of the end result.

Inner Voice comprises contributions from our readers. The views expressed are personal