



## None for the road

The SC should examine the consequence of its order on the liquor trade — and amend it

The liquor trade, as the Supreme Court has emphasised, is indeed *res extra commercium*, something outside the idea of commerce. It exists solely at the discretion of policymakers without any concomitant fundamental right that other businesses enjoy. The point was cited by the court while ordering that liquor sales be prohibited within 500 metres from national and State highways. In a different sense, it only underscores how much the executive is, and ought to be, involved in policy-making on the subject. Imposing restrictions on the location of liquor outlets, applying them in a differential manner to vendors, hotels and standalone bars is undoubtedly an executive decision. It is possible to argue that the executive will be lax in enforcement, corrupt in licensing or too revenue-centric to worry about the social costs of its decisions. However, is that reason enough for the judiciary to impose norms without regard to the problems that they may give rise to? Frankly, the answer is no. The court's ill-considered order is wholly concerned with the availability of liquor — to the point that it bans sale of liquor on highway stretches even within city and town limits, where police checks are quite common — and does not touch upon strengthening the enforcement of the law against drunk driving. With the same moral outrage against high fatalities on our roads, and with much less economic cost, the court could have ordered stricter patrolling on highways and regular check-points.

The order has come down like a sledgehammer not only on the liquor vendors and the hospitality sector but also on the revenues of State governments, on the business of hotels and bars, and the tourism potential of many parts of the country. The inventive responses of State governments and the industry give an idea of how much they are affected by it — and indeed how absurd the court's order is. States are downgrading highways into 'urban roads' or 'major district roads', moves fraught with consequences as safety and quality norms may be compromised; local bodies, which now have to maintain them, may not find the required resources. Some luxury hotels situated on highways are creating alternative entrances to claim that their bars are located beyond 500 metres. An enterprising owner has built a maze of sorts to create a longer walking distance from a highway to his bar. It is not clear how the 500-metre distance is to be measured — as a straight line from the highway in any direction or along the paths leading to an outlet. One may denounce or laugh away these moves to circumvent the order; but they can be also seen as desperate responses from those fearing loss of income, jobs and business. The court should have the wisdom and the humility to examine the consequences of its order and do the necessary thing — amend it.

## A reckless intervention

The American air strikes on Syria raise questions of legality and purpose

The U.S. missile attack on a Syrian airbase, which President Donald Trump ordered after civilians in the rebel-held Idlib province were hit with chemical weapons causing the deaths of at least 80 people, marks a departure in American policy towards the war-ravaged country. Though President Barack Obama had repeatedly said Syrian President Bashar al-Assad should go, he resisted calls for military action in this regard, primarily for two reasons: he wanted the U.S. to stay focussed on the campaign against the Islamic State in Iraq and Syria, and was wary of dragging the U.S. into a direct confrontation with Russia, which is backing the regime. Even Mr. Trump's Secretary of State, Rex Tillerson, had said that Mr. Assad's future was up to the Syrians. But then came the chemical attack on Khan Shaykhun, leading Mr. Trump to launch Tomahawk cruise missiles on the al-Shayrat airbase in Homs. On the face of it, it appears to be a bold move intended to take Mr. Assad to task for his actions. But in truth, the Trump administration has risked escalating the Syrian crisis to far more dangerous levels. Once the brouhaha over the attack settles, Mr. Trump will face the question of what he really achieved from the missile strike. Did it establish any deterrence in Syria? Will it help in the long run to mitigate the suffering of the Syrians or bring the civil war to an end?

The strike also raises questions about its legality. The UN Charter clearly states that any attack on another country needs Security Council approval unless it is an act in self-defence. On the ground, the U.S. action seems to have cemented the alliance between Moscow and Damascus further, with the former sending a warship to the Mediterranean and threatening to halt a "deconfliction" channel, a hot line between the Russian and U.S. defence ministries to avoid direct confrontation in Syria. Mr. Trump could have waited for the UN to complete its probe into the chemical attack in Khan Shaykhun before initiating military action, while simultaneously working to build a consensus on Syria at the UN Security Council. The U.S. and other countries could also have put more pressure on Moscow to rein in Mr. Assad, and offered support to the peace process backed by Russia and Turkey. If the last six years of the deadly civil war in Syria offer a concrete lesson, it is that there are no quick fixes to this crisis that has political, sectarian and geopolitical dimensions. Removing Mr. Assad forcibly may sound purposeful, but it risks a direct confrontation between the U.S. and Russia and could result in the deaths and displacement of many more Syrians, triggering another wave of refugees. The primary focus of the international community should be on ending this war, not on lighting new fires.

# Clarity and facts on the ground

Why it's essential that the Supreme Court speedily hears the Aadhaar petitions



SUHRITH PARTHASARATHY

There are several conflicting accounts of precisely what transpired when senior advocate Shyam Divan made a request late in March for an early hearing of a batch of petitions that question the validity of the unique identification scheme, implemented through the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 — or the Aadhaar Act. The next morning's newspapers each produced their own versions: in the narration of some, the court made it clear that Aadhaar ought not to be made mandatory for welfare schemes; others reported that the court had also expressly clarified that Aadhaar could, in fact, be imposed in relation to certain state directives.

"Let us take Income Tax returns. Is this a benefit? No, we don't think so," the Chief Justice of India, J.S. Khehar, sitting along with Justices D.Y. Chandrachud and S.K. Kaul, said, according to *The Indian Express*. "You can ask someone to have a bank account on the basis of Aadhaar. That is not a benefit. But if you want to make it mandatory for a poor person in a village to get his meagre pension, that could mean extending a benefit... For benefits, it (Aadhaar) cannot be pressed... for non-benefits, it can be done."

These statements, regardless of their exact import, understandably raise legitimate concerns. After all, they were made by the CJI, barely a day after the Lok Sabha had passed amendments to the Finance Bill making Aadhaar mandatory for securing a permanent account number (PAN), and consequently for filing income tax returns. But in attempting to comprehend the significance of these remarks, we must be careful not to ascribe any excessive value to them; indeed, there's practically

no utility to be gained in trying to put different news reports together to try to ascertain what the CJI may have really meant. For these statements were just oral ripostes, which don't bear the force of a judicial order.

### Point of no return

What was more telling, however — and ultimately more damaging — about this entire episode was the result: the denial of Mr. Divan's plea for a speedy inquiry into the validity of Aadhaar. It is now entirely likely that by the time the court gets around to hearing the challenge, the government will render Aadhaar a *fait accompli*, with its destiny, in this case, having been sealed by successive CJIs who have failed to so much as constitute a bench to hear the petitions. This lapse also highlights a deeper malaise in our judicial structure: where one person, the CJI, as the sole master of the Supreme Court's roster, decides the composition of benches, and, as a result, wields enormous administrative power over which cases get heard and which cases get placed on a seemingly never-ending back burner.

For close to 19 months, the petitions challenging Aadhaar have been stuck in an administrative logjam. In August 2015, at the bidding of the Union of India, a three-judge bench headed by Justice J. Chelameswar ruled that there was substantial confusion on whether the Constitution guaranteed citizens a right to privacy, and therefore that the case had to be placed before a larger bench, of an appropriate strength to be determined by the CJI. The bench also added (something which the court reiterated again in October that year) that it would be desirable to have the case finally heard at the earliest, having regard to its importance. But, all these months later, with Aadhaar becoming more and more entrenched in the Government's grand plan, we are no closer to having a bench constituted to decide the legal challenge to the scheme.

Consider the consequences. In a few months' time, millions more would have enrolled with the



DEEPAK HARCHANDAN

Unique Identification Authority of India, submitting their biometric data, with a view to staying clear of the long arm of the country's punitive laws. Given that there is still no authoritative ruling from the Supreme Court on whether the state's present acts in extending the use of Aadhaar constitutes a contempt of the court's previously granted interim orders, it is also quite plausible that the government is far from finished. As a result, when the court finally gets around to listing the petitions before a freshly minted seven-judge Constitution Bench — let's say sometime in the year 2021 — the damage wrought by Aadhaar will be incapable of being undone. By then, India would have taken an irredeemable step towards becoming a surveillance state, and the question of whether we actually have a constitutionally protected right to privacy would be all but moot.

This failure of the Supreme Court, needless to say, wouldn't be unique to the Aadhaar challenge. There were a number of false dawns before the court had, on December 16, referred the challenge to the demonetisation policy to a Constitution Bench. Now, several weeks later, given that the court had explicitly refused to grant a stay of the policy, even if a bench is indeed constituted to hear the petitions, it's unlikely to matter much: for the state has already thrust the policy on us, and its impact is now permanent.

Today, were the court to hear

the petitions challenging Aadhaar, it's no doubt conceivable that, on an examination of the merits, it might conclude that India's citizens possess no fundamental right to privacy, or that Aadhaar does not infringe on this right in a constitutionally unsustainable manner. Whatever our respective predictions might tell us about such a view, at least we might be able to take heart from the fact that the court would have performed its basic function under India's democratic structure: of testing legislative and executive acts against the guarantees of the Constitution. What it's presently doing, though, is indefensible. It is not only rendering academic these significant constitutional questions but, as the lawyer Gautam Bhatia has pointed out, it's virtually deciding in favour of the government without actually delivering a judgment.

### Perils of delays

Delays in constitutional judgment, as K.M. Munshi, a member of the Constituent Assembly, had pointed out in a draft note in 1947, can have deep and perilous consequences on fundamental rights. "It is of the highest importance that the question whether a law is valid or not must be decided at the earliest moment," he wrote. "Any uncertainty about its validity will lead to great hardships. The object of the fundamental law will be frustrated if people have to serve sentences, pay fines or deny themselves the privileges given by the Constitution for a long time under an invalid law."

Most constitutional courts around the world are acutely aware of these dangers. Even recently, there are notable examples from other jurisdictions where courts have fast-tracked certain cases with a view to ensuring that the questions they raise aren't consigned to theory. The U.K. Supreme Court heard in December 2016 and ruled in January this year that British Prime Minister Theresa May must get Parliament's approval before formally triggering Britain's exit from the European Union. Also, last month, a South African High Court ruled that the

decision by President Jacob Zuma to withdraw from the International Criminal Court was not only premature but was also procedurally flawed. In both these cases, a failure to decide expeditiously would have had irreversible consequences. It was to negate such an impact that the courts made suitable arrangements for a quick hearing. Comparing India's Supreme Court to other constitutional courts around the world can be a difficult and even tedious exercise. There's no question that our judiciary is fraught with an overflowing docket. But can there really be any excuse for a failure to rule punctually on live conflicts between the state and the citizenry?

### The summer proceedings

In response, it may well be pointed out that the Chief Justice has established three Constitution Benches that are scheduled to function during the court's summer vacation. But this programming is a red herring, unless cases are prioritised for hearing in a transparent and logical manner. Thus far, the issues that appear to be accorded precedence over Aadhaar include the validity of triple *talaq* and polygamy as practised among Muslims, a cause taken up by the court virtually on its own motion, and the legality of WhatsApp's privacy policy, which the court will begin hearing on April 18. This isn't to suggest that these cases aren't important. But given that they don't encompass disputes that pit the individual directly against the state, the consequences that they are likely to have, from a standpoint of public and constitutional law, aren't as instantly significant as the issues that the Aadhaar challenge presents. That these cases are being prioritised over Aadhaar is therefore curious, at its best, and is, at its worst, seriously damaging to any remaining notions that we might have of the Supreme Court representing a bulwark of freedom and democracy.

Suhrith Parthasarathy is an advocate practising at the Madras High Court

# Stepping up to a shared potential

As liberal democracies, India and Australia can encourage free trade and help safeguard the Indo-Pacific



MALCOLM TURNBULL

India is the world's most populous democracy and will, by 2030, be the most populous country, overtaking China. And it is young — there are more Indian 10-year-olds than there are Australians.

With more than a dozen distinct languages, scripts and religions, India is multiculturalism on the grandest scale; unlike China, its only rival for scale, it had never existed as a single nation prior to its independence in 1947.

And to sustain a vibrant modern democracy, surely India is one of the greatest political achievements of our times.

Once you appreciate its size, you see its potential. Think of all those 10-year-olds who will one day be voting in India's elections and who will also, one day, belong to India's middle class, the engine of its booming economy.

Put all that together and it's easy to understand why India will play a central role in our region and the

world and, I hope for Australians, it is easier to see why the relationship between our two countries has never been more important.

That formal relationship began for many Australians in 1950, when Robert Menzies became the first Australian leader to visit independent India. Since then, both countries have been transformed. Now we must turn our attention to transforming the relationship to one that matches India's huge needs and its enormous potential with our people, Australia's best assets, as well as our resources and our shared democratic traditions.

I am delighted to be taking up Prime Minister Narendra Modi's invitation to make my first official visit to India as Prime Minister, from April 9-12.

### Three focus areas

During the visit we will focus on three areas of our relationship that show great potential: our economic, knowledge and strategic partnerships.

India is inspiring the world with its explosive economic growth. Its economic take-off is lifting millions out of poverty, transforming the country into the world's fastest-growing major economy, with forecasted growth of 7.5% in 2017. This is



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a stunning result for India, and a rare opportunity for Australia. From Mumbai to Melbourne, from Bengaluru to Brisbane, India will be in the market to buy some of the best things Australia has to offer.

Two-way trade is growing, and approaching \$20 billion, but that's far too low and there's so much more we can do. This will be a key focus of my visit. I'll meet with executives from some of India's biggest companies, and speak with Australian entrepreneurs in India who are expanding their market reach into this extraordinary country.

The Government will announce the results of the tenth round of the Australia-India Strategic Research Fund. Worth more than \$100 million, this initiative has enabled our

sharpest minds to collaborate in areas such as food security and health, and advance the boundaries of human knowledge in quantum computing, nanotechnology and astronomy. By combining our talents, we can add to the technological achievements already made in both our countries.

### As an education destination

For decades our citizens have been criss-crossing the Indian Ocean in search of knowledge. Last year, Australia was the second-most popular study destination for Indian students — 60,000 came to Australia to learn. Through the Government's New Colombo Plan, I want to see more and more young Australians choosing India as a place to study and boost their own qualifications and experience. India's demand for our minerals and resources remains high. But education is a new pathway to shared prosperity. Consider the numbers — the Indian Government is aiming to train 400 million people by 2022. We can help them achieve this goal.

A great strength of our education relationship is found in the higher education and research sector. Collaboration between our institutes on high-end research, innovation, science and technology are central

to developing our knowledge partnership.

Having met twice already, Mr. Modi and I know that our close economic cooperation is also matched by shared strategic priorities.

The security and stability of the Indo-Pacific is fundamental to both of us and my visit provides an opportunity to discuss key regional and geostrategic issues and strengthen our engagement. As liberal democracies, we can work together to encourage free trade and prosperity and to help safeguard security and the rule of law in our region.

### The Indian link

At home, we are lucky that India — its culture, its art, its food, its people — has become such a large and important part of Australian life. Half a million Australians are of Indian descent. That number increases each year. Whether it's Little India in Melbourne, Diwali celebrations in Brisbane, or the long-established Sikh community on the North Coast of New South Wales, modern Australia, the most successful multicultural society in the world, could not be imagined without the contribution of Indian-Australians.

Malcolm Turnbull is the Prime Minister of Australia

## LETTERS TO THE EDITOR

Letters emailed to letters@thehindu.co.in must carry the full postal address and the full name or the name with initials.

### A good beginning

Even if Bangladesh's long-standing demand of arriving at an agreement on Teesta water sharing has been acknowledged with only a promise of finding an early solution, it still brings cheer that ties between Bangladesh and India are progressing at a deeper level ("Delhi, Dhaka agree on 22 deals", April 9). If the icing on the cake of bilateral cooperation has been the flagging off of the Khulna-Kolkata trans-border train service, the fact that New Delhi's line of credit is flexible and liberal is another move in the right direction, considering that a cash-rich China is making moves in the neighbourhood with its ruthless cheque book diplomacy. It is imperative that the Narendra Modi Government lends maximum support to the

more-India friendly Awami League Government.

NALINI VIJAYARAGHAVAN,  
Thiruvananthapuram

### R.K. Nagar by-poll

The R.K. Nagar by-poll, in Chennai, is turning out to be one of the most expensive in India. Given the rampant irregularities, complaints and counter-complaints, the Election Commission of India is being stretched to its limit ("Seized papers reveal hand of Ministers", April 9). Scores of officials including high-ranking police officers have been shifted and new incumbents posted. For the first time too, micro-observer teams in addition to flying squads have been appointed to prevent irregularities. Perhaps this is the most appropriate time for the authorities concerned to take a call on the necessity of conducting this by-poll, scheduled for

April 12. Heavens will not fall if this election is not held.

SURYANARAYANAN S.,  
Chennai

### Insensitive remark

In early 2011, a U.S. diplomat, Maureen Chao, while attempting to recount "positive memories from her own study experiences in India 23 years ago", made an "inappropriate comment" about Tamilians. After the storm of protests, the U.S. consulate in Chennai was forced to apologise. While one may understand where that comment came from, given her background, one is unable to come to terms with what BJP leader and former Rajya Sabha MP Tarun Vijay has said about south Indians ("Tarun causes stir with racist comment", April 9). What men like him should realise is that we as individuals have

control only over our attitudes and not over our complexion and features which are god-given. Maturity is all about overcoming the prejudices engraved in our minds since childhood.

V. JAYARAMAN,  
Chennai

### Handling depression

The Government of Kerala has initiated the Aswasam scheme with the goal of treating depression and related mental disorders at over 170 family health-care centres. This is a much-needed move for a State where nearly 10% of the population is suffering from a mental illness. However, instead of ensuring psychological services using qualified psychologists, the State has chosen to use ASHA workers and health-care providers, who have been trained for six weeks. I

feel that such a move will make matters worse. Extensive research points to the positive role that psychological treatment and psycho-therapy play in the treatment of mental illnesses. By providing essential services such as counselling through unqualified, underpaid and overworked health workers, the State is undermining the quality of mental health. Kerala does lack qualified psychologists.

ANUPAMA S.,  
Thiruvananthapuram

### Connect, with airwaves

This refers to the report, "India's first community radio still makes the right connect", April 9). There have been several instances of narrow casting with tapes and cables during the last decade of the 20th century, but none was a community radio licensed as such by the

Government of India. Records will show that when the government initially allowed only educational institutions to start community radios, it was Anna University in Chennai which commenced broadcasting on its community radio in 2004. It was the first licensed community radio in India, followed by a service run by Manakula Vinayagar Engineering College in Puducherry and the Kongu Engineering College at Perundurai, Tamil Nadu. All three broadcast programmes were mostly in Tamil. In 2008, Kongu Community Radio won the 'best campus/community radio in India' award, the first ever national award for community radio in India.

K. THANGARAJ,  
Pollachi, Tamil Nadu

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# Stirring up the nuclear pot

The nuclear genie may take a new form in view of changing threat perceptions and global uncertainties



T.P. SREENIVASAN

A picture of the globe under the hood of a cobra was a familiar symbol of the precarious state of international security till recently. Accidental or deliberate pressing of the nuclear button was the nightmare that haunted humanity. At the same time, using the nuclear genie and harnessing it for prosperity was the best dream. Today, both the nightmare and the dream have become jaded. Nuclear weapons have ceased to be viable as instruments of war because of the unpredictability of the consequences of a nuclear war. No one can trust even the use of tactical nuclear weapons without collateral damage for the user. Today, nations can be destroyed with mobile phones and laptops without killing a single human being, making the "humaneness" of cyberwarfare the biggest danger.

The theories of deterrence of nuclear stockpiles have also been discredited after 9/11 brought the most formidable nuclear power to its knees. Non-proliferation today, if any, is not on account of the Non-Proliferation Treaty (NPT), but on account of the futility of building nuclear arsenals. The threat of terrorism looms larger than the threat of nuclear weapons. After Fukushima, nuclear power too is receding as a sensible component of the energy mix. One clean-up operation after an accident can demolish many years of technological advancement and hopes of having cheap power. The sun shines as a source of energy, not the glittering nuclear reactors which seem to emit mushroom clouds.

**Still a flourishing industry**  
Old habits die hard, however, and there is constant activity on the weapons and the power fronts. The nuclear and disarmament industry still flourishes. Former U.S. President Barack Obama's Prague speech had ignited cautious optimism that nuclear weapons would be eliminated in his lifetime. Rajiv Gandhi's United Nations Plan of Action for total elimination of nuclear weapons came out of



"The nuclear liability law, the Westinghouse bankruptcy and the protests by local people have combined to delay the expansion of nuclear power in India." File picture of the Kudankulam nuclear power plant in Tirunelveli. ▶PTI

the dusty archives. The 'Global Zero' movement gained momentum, even as nuclear weapon powers continued investment in developing delivery systems and weapons.

U.S. President Donald Trump had once said that proliferation was good for American allies, but more recently, he said: "It would be wonderful, a dream would be that no country would have nukes, but if countries are going to have nukes, we're going to be at the top of the pack." He even hinted at the use of nuclear weapons in extreme circumstances. The hope raised by four old cold warriors, George P. Shultz, William J. Perry, Henry A. Kissinger and Sam Nunn, by setting the goal of a world free of nuclear weapons and working on the actions required to achieve that goal finally receded, and in desperation, the world turned to the good old UN machinery to create illusions of progress.

**Emphasising non-proliferation**  
NPT enthusiasts have been disappointed of late that out of the three pillars of the treaty – non-proliferation, disarmament and nuclear energy for peaceful purposes – the first, non-proliferation, has got watered down and disarmament has become the priority. They also worry that dangerous technologies like enrichment of uranium and plutonium, the reach of which in the context of Japan and South Korea debating acquisition of nuclear weapons, they feel that non-proliferation should be brought back to be the first priority

of the NPT. The promotional function of the International Atomic Energy Agency (IAEA) is also a concern for them. The IAEA has already shifted its focus from nuclear power to nuclear security, as a result. In 1995, the NPT was made a perpetual treaty with no possibility of amendment, but its votaries now advocate that non-proliferation should be emphasised to the exclusion of disarmament and nuclear energy promotion.

The UN General Assembly, with its unlimited agenda, readily jumped into the first UN conference in more than 20 years on a global nuclear weapons ban, though the nuclear weapon powers did not join. More than 120 nations in October 2016 voted on a UN General Assembly resolution to convene the conference to negotiate a legally binding treaty to prohibit nuclear weapons, leading to their total elimination. Britain, France, Russia and the U.S. voted no, while China, India and Pakistan abstained. Though India had recommended the convening of such a conference, it abstained on the resolution as it was not convinced that the conference could accomplish much at this time. India said that it supported the commencement of negotiations in the Conference on Disarmament on a comprehensive Nuclear Weapons Convention, which in addition to prohibition and elimination also includes verification. The U.S. and others wanted to accept the reality that such conferences would serve no purpose. The conference has failed

even before it commenced.

In the midst of this ferment, a debate has begun in India about a review of its no-first-use doctrine. Experts seem to think that India's doctrine is flexible enough to deal with any eventuality, but others feel that we should enter more caveats to safeguard our interests. Perhaps, it is best to let the sleeping dogs lie.

## On nuclear power production

On the nuclear power front, the efforts to increase nuclear power production suffered a setback as a result of Fukushima. Many countries that had lined up before the IAEA for nuclear technology for peaceful purposes quietly switched to other sources of energy. The much-expected nuclear renaissance withered away. Except for China, India and Russia, most nations have shied away from building nuclear reactors or importing them. India's liability law deterred U.S. companies from exporting reactors to India. The financial problems of Westinghouse, which had agreed to build six reactors in Andhra Pradesh, postponed, if not cancelled, the venture. But India has not fundamentally changed its three-stage nuclear power development, though the thorium stage eludes it.

The need for reduction of greenhouse gases was an incentive to increase nuclear power production, but President Trump's challenge of the whole concept of climate change as a hoax and the consequent reduction of allocation of funds to protect the environment will further reduce the accent on nuclear power. The Kudankulam project is set to move along with Russian collaboration, but its progress has been slow. The nuclear liability law, the Westinghouse bankruptcy and the protests by local people have combined to delay the expansion of nuclear power in India.

Like everything else in international affairs, the nuclear pot is also being stirred on account of the uncertainties of the U.S. government and changing threat perceptions. Nobody thinks any more that peace and amity will break out between the U.S. and Russia, making nuclear weapons redundant. But no one is certain that the nuclear genie will not take new incarnations as a result of the ferment.

T.P. Sreenivasan, a former Ambassador, was the Governor for India of the IAEA and Executive Director of the IAEA 2020 Programme

# The text, the texture and the grain

On the three categories of journalistic practice



A.S. PANNEERSELVAM

Curious readers are never short of questions. These questions often force one to look at one's own craft much more closely. For instance, there are two binding codes that determine my work: Living our Values, which is the code of editorial values of this newspaper, and the Terms of Reference for the Readers' Editor, which spell out my role. On many social occasions, readers ask me to explain how I examine specific issues using these broad guidelines. They are interested in the process and want to know how I, as the custodian of their interests in the newspaper, respond to their queries. Constant interaction with readers leads to new areas of interrogation. One of the readers said that my column "A journalist's dilemma" (March 27, 2017) dealt with a journalist's predicament and wanted to know what were a news ombudsman's predicaments.

## Errors in text

The entire oeuvre of journalistic practice can be divided into three categories: the text, the texture, and the grain. There are two avenues in this newspaper to effect a proper redressal: a daily correction and clarification column and a signed weekly column. At a functional level, addressing the problems relating to the text is relatively easy. It is about facts and figures, inadvertent typographical errors, proper attribution, and accuracy. Ian Mayes, in his farewell column as Readers' Editor of *The Guardian*, recollected William Hazlitt's essay "On Cant and Hypocrisy" that spoke about the inevitability in the nature of things to fall short of the standards to which we aspire and that it is only hypocrisy if those standards are false and not believed in the first place. The mistakes relating to the text happen not because the team of journalists working for this newspaper does not aspire for higher standards but due to oversight and a momentary suspension of judgment. These mistakes are irritating, avoidable and yet recur, and are constantly corrected. The Readers' Editor gets comfort from the myth of Sisyphus.

## Principles defining journalism

The five core principles that define journalism and distinguish it from other forms of writing is the grain. These five principles are truth and accuracy, independence, fairness and impartiality, humanity, and accountabil-

ity. They define the obligation of journalism to its reading public. The multiple elements that constitute this grain are: public interest, transparency, and ethical practice. The signed weekly column is about the grain of journalism. It flags these concerns, admonishes when there is a breach, and essentially tries to keep journalism on the straight and narrow path. The grain of good journalism ensures that means matter not only for readers and journalists about also for future generations. Some of the principles I follow are borrowed from codes adopted by various professional journalists bodies. The key codes I follow are: "Remember that neither speed nor format excuses inaccuracy. Provide context. Take special care not to misrepresent or oversimplify in promoting, previewing or summarising a story. Gather, update and correct information throughout the life of a news story... Scarce resources, deadline pressure and cut-throat competition do not excuse cutting corners factually or oversimplifying complex issues. 'Trending,' 'going viral' or 'exploding on social media' may increase urgency, but these phenomena only heighten the need for strict standards of accuracy."



## The question of texture

Long-form journalism is finally getting its due place in daily journalism. One of the elements that makes or breaks long-form reporting is its fine texture. Some writings dance and some limp. However, I am on the horns of a dilemma when it comes to the question of texture. I have not written a single column on this topic for four reasons. First, I am not sure whether it is overreach or it is within my remit to comment on form and style. Second, I am inhibited by the inherent subjectivity that governs the aesthetics of prose and the multiple layers that forms a texture of writing. Third, the texture in most cases does not lead to ethical transgression and hence does it warrant a Readers' Editor's response? Fourth, in a plural environment, do I have a language to talk about the texture of the written word in journalism without sounding censorious? I hope my textual dilemma would soon end in a text that is faithful to its grain.

readerseditor@thehindu.co.in

## SINGLE FILE

# Real meaning of Brexit

It might be possible to maintain some sort of status quo beyond 2019 in Britain's EU membership

GARIMELLA SUBRAMANIAM



Britain's apparent tone of accommodation over its current complex exit negotiations with the European Union (EU) would have seemed inconceivable only a couple of months ago. Prime Minister Theresa May's candid remarks in January that a "no deal for Britain is better than a bad deal" did not amuse European diplomats. Again, her veiled threat of a possible low-tax and tariff regime for third countries in the event of failure to secure a trade agreement with the EU seemed intended to appease hard-liners in her own party. But recent developments suggest that there might be prospects to maintain continuity with the status quo beyond 2019 in Britain's EU membership. The 'remain' camp in last year's referendum may sense a small window of opportunity in this evolving scenario.

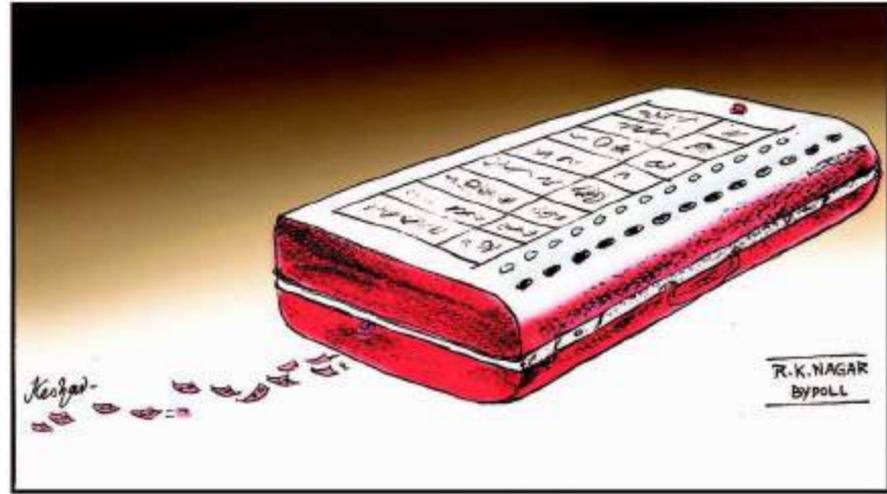
The Conservative government, long held hostage by euro-sceptic backbenchers, was a hapless witness to the leave camp's rallying cry ahead of the June 2016 plebiscite to "take back control" from Brussels. But so much for sloganeering. A demand for legislative approval of the historic verdict was resisted by the government in charge of delivering Brexit. Eventually, 'remain' supporters won the argument in a lower court. On appeal, the judges ruled that Britain's withdrawal from a four-decade EU membership, with profound implications for citizens, required Parliament's assent. Closure of the country's borders to immigrants from the continent, quitting the bloc's single market, and calling time on the jurisdiction of the European Court of Justice constitute the core of the euro-sceptic stance. They were equally the central pillars of the 'leave' campaign. But ever since London triggered the Article 50 exit clause of the Lisbon Treaty on March 29, the hard realities of a two-year deadline have begun to bite.

## Some strings attached

In response to Article 50, the European Parliament voted overwhelmingly to insist on compliance with the bloc's budgetary obligations, the common trade policy, and the court's jurisdiction. The implication is that Britain will continue to be governed by EU policy on these and possibly on immigration, even after Britain's formal withdrawal.

The European Parliament's resolution also offers the possibility of an association agreement, paving the path for closer cooperation between the U.K. and the remaining 27 states. But none of this detracts from the bloc's core concerns that London's exit does not set a precedent for countries with euro-sceptic and populist forces eager to replicate the U.K. referendum. A related aim is that while the final deal may not be punitive, it should be inferior to full membership.

Ms. May's recent statements echoing this emerging scenario have so far not elicited adverse criticism from her Conservative colleagues. But Britain's hefty financial bill, still a bone of contention in Brussels and London, will determine whether the bloc is headed for a hard Brexit. The real meaning of "Brexit means Brexit" will soon become apparent.



## CONCEPTUAL

### Free riding

ECONOMICS

Free riding refers to market failure resulting from people using a collective good or service without paying for it. Typically public goods with a positive externality are associated with free riders, because they are non-excludable and non-rival in consumption. Classic examples of these are national security, highway network development, disaster response systems, and public libraries and broadcasting services. Free riding can sometimes be overcome by imposing a tax on the entire population. Besides public goods theory, free riding has applications in the context of collective bargaining, anti-trust law, and psychology.

## MORE ON THE WEB

**Buss, car trapped in Anna Salai cave-in: A video story**

<http://bit.ly/2nQp6sh>

## SHELF HELP

### History divided

Coming to terms with 1971 in Bangladesh

KALLOL BHATTACHERJEE

For years, the news bulletin of the national TV channel of Bangladesh started by recounting the "ocean of blood" that underwent a churning for the birth of the nation in 1971. Every evening, the Bangla and English bulletins would start not with a newsy number but with a mournful tribute to the people who perished in creating this nation.

The reason for this bloodbath has been the contest between Islamic identity and secular Bengali nationalism. With due respect to other seculars in South Asia, the leaders of Bangladesh have laid down their lives repeatedly for secular Bengali nationalism while preserving and strengthening pluralism in society. This sacrifice is obviously because of the constant challenge to their search for identity from the opposing group.

The violence of Bangladesh therefore is something that refuses to go away and every historical landmark of Dhaka reminds us of that past. These violent moments have been celebrated in books, plays, news and every other aspects of public life.

Prime Minister Sheikh Hasina has herself written about the mix of dictatorship and the Islamic path. In her 2015 book *Bangladeshe Shoirotontor Jonmo*, she wrote about the deep network that exists within Bangladesh enabling the apocalyptic violence that has a tendency to erupt from time to time. Following the assassination of almost her entire family in the early morning of August 15, 1975, Sheikh Hasina has been among the few leaders who connect the present era with its blood-stained past. Though she is known for her strong opposition to the pro-Pakistan senti-

ments, she revealed that there were several important figures of Bangladesh who continued to serve in the Pakistan government even after Bangladesh emerged from the ruins of East Pakistan.

During her latest visit to India, Prime Minister Hasina, who is heading to the next general election of Bangladesh, showed that she remains aware of the narrative of Bangladesh and its importance to keep her country united. In course of the visit, she launched the English translation of her father Sheikh Mujibur Rahman's unfinished autobiography (*Unfinished Memoirs*) that she had edited in the Bangla original version.

Other books that help us understand Bangladesh today are Srinath Raghavan's *1971: A Global History of the Creation of Bangladesh* and Gary J. Bass's *The Blood Telegram: Nixon, Kissinger, and a Forgotten Genocide*.

## FROM The Hindu. ARCHIVES

FIFTY YEARS AGO APRIL 10, 1967

### CMs agree on 'status quo' in food policy

The Chief Ministers' conference which concluded its deliberations on the food situation to-day [April 9, New Delhi] decided to continue the single State food zonal system in the country. The Union Food Minister, Mr. Jagjivan Ram, told Pressmen that the three-State food zone of Uttar Pradesh, Punjab and Haryana would be divided into three single State zones and there would be no change in the zonal system in respect of other States. Neither a decision was taken on a national food budget nor any national food policy as such was evolved at the meeting.

A HUNDRED YEARS AGO APRIL 10, 1917

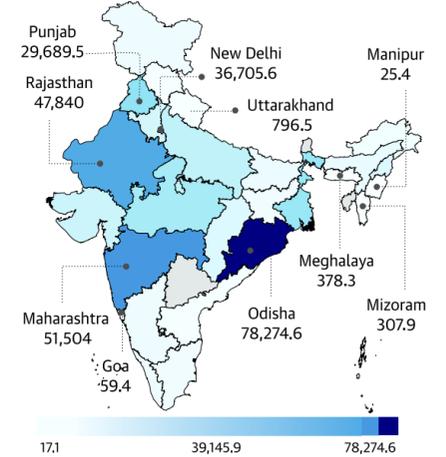
### Bengal Moslem League

The third annual session of the Bengal Provincial Moslem League, was held to-day at Barisal, the Hon'ble Mr. Abdul Kaseem presiding. In the course of his address, Mr. Kaseem referring to the war said that it was a source of gratification that Indians responded so cheerfully and manfully to the call of duty. He impressed upon his countrymen the necessity for subscribing liberally to the War Loan and urged his co-religionists to respond to the call for enlistment in the Defence of India Force.

## DATA POINT

### High seizure

The State-wise seizure of major drugs in 2016 shows Odisha in the lead with more than 78,000 kgs\* of ganja (marijuana) seized in the State.



\*Total major drugs seized in kilograms

SOURCE: MINISTRY OF HOME AFFAIRS