



## On a glide path?

Adjusting fuel prices daily at petrol stations is a long overdue reform

Hiking fuel prices at petrol pumps is such a politically fraught exercise that there is even a hesitation to decrease prices so as to safeguard against a possible spike in global petroleum rates in the future. It is worth watching, therefore, how the proposed pilot project by the three public sector oil marketing companies – Indian Oil, Bharat Petroleum and Hindustan Petroleum – proceeds as an effort to reform the pricing mechanism. Starting next month, in select cities fuel prices at the pump point will be reset daily in tandem with global oil price movements. Till the project's outcomes are assessed, the rest of the country will continue with the existing system, under which petrol and diesel prices are calibrated generally on a fortnightly basis. If one considers the latest price change effected by oil companies (a ₹3.77 reduction per litre in the price of petrol accompanied by a ₹2.91 cut for diesel on March 31), the case for a daily price reset makes eminent sense. Apart from the fact that it is illogical for an economy integrated with the global financial and commodity markets to keep fuel prices unchanged for as much as a fortnight, aligning prices daily and spreading out the degree of change will lessen the impact on consumers, on both the upside and the downside. Marginal changes in the daily price of fuel will not make or break consumer confidence or fuel inflationary expectations, at least because of oil costs, as it currently does.

A more gradual ascent or descent in fuel prices, rather than abrupt shifts over randomly selected intervals, makes good sense, given how closely our fiscal outlook is tied to oil price movements. The United Progressive Alliance government had freed the regulation of petrol prices in late 2010, and the National Democratic Alliance government followed through by liberating diesel prices within six months of assuming office in 2014. Such dismantling was necessary as previous attempts at abandoning the administered price mechanism for India's largely import-dependent consumption of petroleum products never really took off, even as subsidies distorted the system further. The fortnightly system of price resets for both fuels has been followed over the last three years. The latest price cuts came after more than two months of no change, overlapping with the Assembly elections in five States. A transparently formulated and dynamic pricing regime would hopefully prevent such distortional coincidences in the future. It would also allow private companies to compete with the PSU oil marketers, which today control 95% of fuel outlets. The government, on its part, must start winding down the extremely high petroleum product taxes imposed since June 2014, when oil prices began to fall, along with its energy subsidy liabilities.

## Populist's return

Ahmadinejad's bid for the presidency reflects the political uncertainties gripping Iran

Mahmoud Ahmadinejad sprang a surprise when he registered himself as a candidate in Iran's presidential election scheduled for May 19. After leaving the office of President in 2013 at the end of two controversial terms, the firebrand populist has been largely inactive in politics. He began as a favourite of the ayatollahs, but during his second term he had a turbulent relationship with Ayatollah Ali Khamenei, the Supreme Leader, who asked him not to run for President again. Mr. Ahmadinejad's defiant return to the race shows the growing significance of hard-line politics in a charged region. As successor to the mild-mannered reformist Mohammad Khatami, he toed a strident line on Israel and the U.S., refusing to meaningfully negotiate with the West over Iran's nuclear programme despite crippling economic sanctions. This election is crucial for Iran as it is seen as a referendum on the nuclear deal it reached in 2015 with global powers. President Hassan Rouhani, who championed the deal on the promise that better ties with the West would help improve Iran's economy, is expected to seek re-election. He faces challenges from hardliners, who say Iran needs a stronger leader who can stand up to Donald Trump's America. The rising anti-Iran rhetoric of the Trump administration, which imposed new sanctions on Tehran over a missile test, has given the hardliners a fresh handle.

Iran's election is a complex process that is partially managed and partially reflects the popular will. At least 120 people have registered as candidates. The clerical Guardian Council will vet the candidates and publish the final list on April 27, removing most dissidents. Thereafter the election is expected to be free. It is not clear if Mr. Ahmadinejad intends to stay as a candidate or plans to shape the election agenda in favour of the hardliners. As of now, the most powerful conservative candidate is Ebrahim Raisi, a close ally of Ayatollah Khamenei and a clear favourite of the clerical establishment. For the conservatives, this is an opportunity to reclaim the presidency – one of the three main pillars of the Iranian state, but the only one with a popular mandate – and reclaim legitimacy for their hard-line agenda. For the moderates, the challenge is to push back the strongman narrative of the conservatives and shape the agenda around economic development and incremental freedoms, as opposed to strengthening theocracy and a stand-off with the West. In 2013, Mr. Rouhani had shown the political aptitude to stitch together an alliance with moderates as well as conservatives who had fallen out with the clerical establishment, while cashing in on popular impatience with the Ahmadinejad government. It is time the political climate changed. It may take greater political guile for Mr. Rouhani to withstand the hardliners' campaign at a time when economic troubles and regional challenges remain and the U.S. is again taking a confrontational stance towards Tehran.

# Courting faith and reason

How religious belief disguised as an economic principle changed the original intent of Ambedkar's Constitution



SANJAY HEGDE

The Challenger space shuttle exploded in 1986, killing all seven crew members. It occurred because of a design flaw in the rocket boosters of the spacecraft. The U.S. National Aeronautics and Space Administration (NASA) had sub-contracted the design of the boosters to an independent company. The company had noticed that the putty used to seal rings on the boosters was forming bubbles that caused a heat jet so hot that it could burn through the rings. The engineers changed the putty. They knew that a putty erosion could still occur, but with very low probability of a catastrophic disaster. Unfortunately for the seven who perished, in a series of small steps NASA deviated from its safety standards and determined that the erosion of the putty was an acceptable risk of flight.

Later, NASA commissioned many inquiries into the cause of the disaster. The most insightful report came from Diane Vaughan, then a teacher of sociology at Boston College, who attributed the disaster to what she called a "normalisation of deviance". The phrase meant that "people within the organisation become so much accustomed to a deviant behaviour that they don't consider it as deviant, despite the fact that they far exceed their own rules for the elementary safety".

Today on B.R. Ambedkar's 126th birth anniversary, violence over cow slaughter threatens to rend apart the Republic and his magnificent Constitution which gave us a secular country with a fundamental right to life and liberty assured to every citizen. How did the body politic slowly deviate so



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much so that a man's choice of meat has become his poison? It is time to recount Ambedkar's normalisation of deviance in the Constituent Assembly on the question of cow protection. That deviance emboldened the Supreme Court decades later to take a position that would have been an abomination to men like Ambedkar.

### Political and pragmatic

In 1948 Ambedkar published his book *The Untouchables: Who Were They and Why They Became Untouchables?* He wrote: "In the first place, we have the fact that the Untouchables or the main communities which compose them eat the dead cow and those who eat the dead cow are tainted with untouchability and no others. The correlation between untouchability and the use of the dead cow is so great and so close that the thesis that it is the root of untouchability seems to be incontrovertible. In the second place if there is anything that separates the Untouchables from the Hindus, it is beef-eating." He went on to say: "The reason why Broken Men only became Untouchables was because in addition to being Buddhists they retained their habit of beef-eating which gave additional ground for offence to the Brahmins to carry their new-found love and reverence to the cow to its logical conclusion."

However, in the Constituent Assembly debates around the same time, Ambedkar was not as vocal against 'cow reverers'. In February 1948, the first draft of the Constitution was placed before the Assembly. It contained no reference to cow slaughter. The cow protection brigade within the Assembly pushed for an amendment seeking for cow protection as a fundamental right. Ambedkar and his team of draftsmen came up with a constitutional compromise.

A directive principle, seemingly based on economic and scientific grounds, was allowed to be introduced by Pandit Thakurdas Bhargava, a prosperous Brahmin lawyer from Hissar. It read: "The State shall endeavour to organise agriculture and animal husbandry on modern and scientific lines and shall, in particular, take steps for preserving and improving the breeds, and prohibiting the slaughter, of cows and calves and other milch and draught cattle."

Despite his political stance outside the Constituent Assembly, within it Ambedkar said nothing substantial in the debates on cow slaughter, only that he accepted Bhargava's amendment. Bhargava, however, emphasised his reluctant acceptance of the compromise when he said, "... for people like me and those that do not agree with the view of Ambedkar and others, this entails, in a way, a sort

of sacrifice."

Another cow proponent, Seth Govind Das, amplified Ambedkar's lawyerly thinking in the matter. "I had then stated that just as the practice of untouchability was going to be declared an offence so also we should declare the slaughter of cows to be an offence. But it was said that while untouchability directly affected human beings, the slaughter of cows affected the life of animals only and that as fundamental rights were for human beings, this provision could not be included therein."

### The economic backdoor

Thus, though expressed in terms of economic policy, underlying this agreed amendment was the Assembly's covert yielding, in a limited measure, to Hindu sentiments of cow protection. Protection ostensibly was restricted to cows and calves, milch cattle and those cattle capable of pulling heavy loads.

A bench of five judges of the Supreme Court in the 1959 case of *Mohammed Hanif Qureshi v the State of Bihar* strengthened the compromise when it did not uphold a complete ban on slaughter. Bhargava, appearing as an amicus in this matter, submitted that the directive principle of cow protection in Article 48 ought to have primacy over any fundamental right of the petitioners. Turning him down, the court said that "a harmonious interpretation has to be placed upon the Constitution and so interpreted it means that the State should certainly implement the directive principles but it must do so in such a way that its laws do not take away or abridge the fundamental rights". The court finally concluded: "(i) a total ban on the slaughter of cows of all age and calves of cows and calves of she-buffaloes, male and female, is quite reasonable and valid and is in consonance with the directive principles laid down in Art. 48; (ii) a total ban on the slaughter of she-buffaloes or breeding bulls or

working bullocks (cattle as well as buffaloes) as long as they are as milch or draught cattle is also reasonable and valid; and (iii) a total ban on the slaughter of she-buffaloes, bulls and bullocks (cattle or buffalo) after they cease to be capable of yielding milk or of breeding or working as draught animals cannot be supported as reasonable in the interest of the general public."

This formulation held till 2005 when a seven-judge bench was constituted by Chief Justice R.C. Lahoti with five vegetarian judges on it. The resultant judgment had the Supreme Court – by a 6-1 majority – permitting State governments to impose total bans on cow slaughter. The reasoning was that "Times have changed; so have changed the social and economic needs... there is no escape from the conclusion that the protection conferred by impugned enactment on cow progeny is needed in the interest of Nation's economy." Justice A.K. Mathur dissented on the principle of stare decisis – that long-settled positions of law should not be easily reversed – adding, "There is no material change in ground realities warranting reversal of earlier decisions."

### Questions for our Republic

The questions that today haunt our Republic are – would the country not have been safer and better off had Ambedkar stuck to his first draft, which had no reference to cow slaughter at all? Did he allow a "normalisation of deviance" from the constitutional norm of secularism when he allowed a religious belief to be disguised as an economic principle? Has the Supreme Court done justice to the original intent of Ambedkar's magnificent Constitution by reversing itself to keep up with political fashions of the day? A Challenger need not explode for us to realise that deviance into vigilantism can't always be normalised.

Sanjay Hegde is a senior advocate of the Supreme Court

## Raising the Syria stakes

Donald Trump has reversed his isolationist stance with the missile attack, but Syrian ground realities remain the same



STANLY JOHNY

U.S. President Donald Trump's decision to order a cruise missile attack on the Syrian regime on April 6, two days after a town in the rebel-held Idlib province was hit by chemical weapons, has earned him praise even from his strongest critics. The President's supporters could now defend him better against accusations of him being a "Russian stooge". But beyond the domestic political dividends, what did Mr. Trump's Syria strike actually achieve in strategic terms?

### Logic behind intervention

The popular narrative in the American media is that the President, apparently moved by the gruesome images of "beautiful babies" killed by the chemical attack in Khan Shaykhun, has acted on his impulse. He immediately blamed Bashar al-Assad for the gas attack,

which he said changed his views of the Syrian President. But Presidents don't take go to war on an impulse, unless they are pushing their nations into a self-destructive mode. In Mr. Trump's case, he had stood opposed to military intervention even when a worse chemical attack occurred in Syria. And the high moral ground the administration is now taking over the civilian deaths also appears to be hollow. Weeks before the Khan Shaykhun attack, hundreds of civilians were killed in Iraq's Mosul and Syria's Raqqa, both by U.S. jets. So beyond the emotional appeal, there has to be a strategic calculus behind decisions to use force, and more so in the case of Syria where the central military force is currently Russia.

Mr. Trump over the last couple of weeks has clearly moved to the globalist wing of the Washington establishment, leaving his campaign rhetoric behind. He's demoted Steve Bannon, one of the most potent opponents of the globalists, embraced NATO, warmed up to China, and stepped up anti-Russia rhetoric. The Syria strike should be seen as part of this larger trend. For the past three years, interventionists in Washington, both liberal in-

ternationalists and neoconservatives, repeatedly called for a "limited action" in Syria, which they said wouldn't necessarily escalate military tensions between the U.S. and Russia, while at the same time help Washington win back its anti-Assad allies in West Asia who were disappointed with President Barack Obama's Iran détente. Mr. Trump appears to have played ball with them.

### The Syrian matrix

But the real risk is that once America enters a battlefield, as the examples at least since Vietnam show, it doesn't get out of it easily. Mr. Trump may have been able to send out a message that he's ready to act. But the problem with limited attacks is that those are tactical actions that leave the balance of power on the ground intact while altering the overall political atmosphere drastically.

The same holds true for Syria. The U.S. strike won't have any drastic impact on the civil war, while the Moscow-Washington reset is already dead. On the other side, the strike has cemented the Moscow-Damascus alliance further. In an act of defiance, Syrian air force jets took off from the airbase hit by



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American missiles the next day to bomb Islamic State locations in the Homs countryside, while Russian President Vladimir Putin has sent a warship to the Mediterranean. The icy welcome offered to U.S. State Secretary Rex Tillerson in Moscow on Wednesday underscores the Russian fury, which has thrown the possibility of any future Russian-U.S. cooperation in finding a political solution to the Syrian war into jeopardy.

What will Mr. Trump do next? The conflicting statements being issued by the officials show that he lacks a coherent strategy on Syria or the administration is ill-prepared to

deal with the political consequences of the strike. The failure of G7 at its Lucca summit early this week to reach a consensus on more sanctions against Russia over its Syria support shows even America's European allies are divided.

The cold fact is that Mr. Assad is still winning the war and in all likelihood, the Syrian army will continue to retake territories from the rebels with Russian help. Now that he has already raised the bar, Mr. Trump will come under increased pressure, both from the interventionist lobby at home and allies in West Asia, to act again. He could either use diplomatic means – in Syria's case, seek Russian help – for a negotiated settlement between the regime and the rebels or go for a full-blown attack. If he chooses the former, the moral argument Washington has built against "Assad the evil dictator" would crumble besides disappointing allies, and if he picks the latter, it would spawn a much more disastrous war with the U.S. and Russia standing up to each other. This is the dilemma the reckless Syria strike has taken Mr. Trump to.

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## 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.

### On the safe side

While statistics claim that there is one death every four minutes in India due to road accidents, the question is, isn't the issue of road safety more to do with the enforcement of existing rules? What about those who get away with violations by merely bribing the authorities ("In a safer lane", April 13)? There exist multiples rules under the Motor Vehicles Act, 1988 that address all facets of road safety, from the safety of pedestrians to drunken driving, to the issue of licences. The underlying challenge remains the same – effective implementation. We don't need to frame more laws; we only need to have a more aggressive approach towards violators of traffic laws. Since road safety is a State subject, any law formulated in this regard is subject to different implementation in different States. Setting up a National Transportation Policy, as

suggested by the Motor Vehicles (Amendment) Bill, is the need of the hour. SAMRIDHI CHATURVEDI, New Delhi

### State of agriculture

The protest by Tamil Nadu farmers in Delhi is heart-rending (Cartoon, April 13). Their inability to repay loans is because of the poor state of agriculture. Unless that problem is solved, the problem of unpaid loans and farmer suicides will continue. Even if the government does waive loans, the same situation may recur in five-six years. India has been an agrarian economy for centuries, so this is not a new problem. The need of the hour is that steps should be taken in a systematic and consistent way in consultation with agricultural scientists, and programmes be implemented properly and with accountability. Adequate and planned irrigation, planting crops that suit the region, river

linking, water harvesting, using less fertilizers and more manure, guaranteed insurance coverage to all farmers, etc are some of the ways in which the sector can be revived. The village of Hiwara Bazar in Maharashtra is a perfect example of how a turnaround can take place. NISHA YADAV, Dahina, Rewari district, Haryana

The agrarian crisis has reached a boiling point. I am reminded of Verse 1032 of the *Tirukkural* which says: "Farmers are the linchpin of the world, for they support all those/Who take to other work, not having the strength to plough." Though converting farmland for industrialisation looks like a sunny prospect, let us remember that we cannot eat money. Even currency notes are made using cotton produced by farmers. An urgent policy intervention by the government is needed to make agriculture

an attractive profession. T.S. KARTHIK, Chennai

### Daily fuel prices

Though there is a need to adjust fuel prices frequently, fixing them on a daily basis is ill-conceived and is beset with practical difficulties ("Petrol, diesel prices to be fixed daily", April 13). Every time there is a change in fuel prices, the digital meter will have to be reset by the fuel outlet. A fully automated outlet may not encounter this problem but only a few outlets are fully automated. Though a negligible increase in fuel prices will be ignored, motor owners will find it difficult to keep track of fuel prices everyday. Taxicab and goods vehicles, considering the thin margin of profit, will steeply hike the fare to cover higher fixation. This will lead to prices of essential commodities going up. Fuel stations too will experience difficulties. Their bulk purchase for

storage will suffer losses if fuel prices are reduced the next day. A policy decision to fix fuel prices for a considerably long time is the right way forward. V. LAKSHMANAN, Tirupur

### Need for a creamy layer

We must re-examine our reservation policy. The proposal to increase the reservation quota for Scheduled Tribes and Muslims is not the right step forward ("Telangana government decides to hike quotas for STs, Muslims", April 13). It is true that Muslims and STs deserve reservations. Various committees have provided facts of their backwardness and marginalisation. However, the solution has to be sought from the existing quota by introducing the concept of a creamy layer. Persons who have benefited from reservation and whose income exceeds the creamy layer limit should be excluded so as to make

room for others who were deprived of the fruits of reservation. Those castes that are backward socially but are strong financially should be excluded. P.S.S. MURTHY, Hyderabad

### Notice to IAS officer

It is really funny how an article by an IAS officer gets an immediate response from the government ("IAS officer gets notice for views on toilet drive", April 13). We don't see such quick action on any affirmative issue. Our concept of democracy and freedom of speech need to be looked at again. Why can't an officer question the efficacy of a programme? Is that really such a big crime that she would be served a show-cause notice? The government would do well to clear the doubts raised. MADHUSREE GUHA, Kolkata

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LEFT, RIGHT, CENTRE

# Do we need a film censor?

Censorship has no space in a mature democracy. The jury is out, though, on the kind of democracy we are



**RAKESH SHARMA** is a filmmaker whose work includes 'Final Solution', a documentary on the 2002 Gujarat riots

**LEFT** Cinema as an art form has always drawn a disproportionate interest from the Indian state and the judiciary. Their approach is best encapsulated in this excerpt from the last major constitutional challenge to censorship law, nearly 50 years ago, in the landmark *S. Rangarajan v P. Jagjivan Ram* case: "Movie motivates thought and action and assures a high degree of attention and retention. It makes its impact simultaneously arousing the visual and aural senses... The focusing of an intense light on a screen with the dramatizing of facts and opinion

makes the ideas more effective. The combination of act and speech, sight and sound in semi-darkness of the theatre with elimination of all distracting ideas will have an impact in the minds of spectators." (Paragraph 10)

The Supreme Court went on to cite an academic study according to which "continual exposure to films of a similar character" would significantly affect the attitude of an individual or a group. On this basis, the Supreme Court deemed pre-censorship necessary.

The Rangarajan judgment gave a final stamp of judicial approval to the notion of a nanny state, treating

its audiences as infantile subjects, to be shepherded carefully through the treacherous universe of cinema.

**Colonial hangover**

The Cinematograph Act of 1952 was derived from colonial censorship laws. But the world has changed dramatically: audiences no longer run out of movie halls like they did watching *The Arrival of a Train*, fearful of the locomotive advancing towards them. Even if 'the masses' were somehow extra 'gullible' in the India of the 1960s, the average 'visual literacy level' has gone up dramatically in this age of 24x7 TV, YouTube and video-selfies.

The state considers every citizen



citizen turns into a bumbling idiot, unable to discern what to watch or not, to be lent a helping hand by the Pahlaj Nihalani-fied Central Board of Film Certification (CBFC).

Yes, India is a diverse society. Yes, there will always be grievances from some section of civil society. And yes, we need an arbitration mechanism to address a wide range of concerns. We need a multi-layered solution to the absurd censorship regime in India. The in-

dustry must set up the Film Council of India to deal with civil society grievances. The CBFC's scope must be limited to certification, with no powers to maim, mutilate or ban any film. For any film it finds 'objectionable', the CBFC should refer it to the Film Certification Tribunal. The tribunal comprising retired judges, lawyers, filmmakers, writers and artists must become the sole forum for a considered dialogue with the filmmaker concerning any 'censorship' of their work.

**Stop being a nanny**

The final recommendations of the Shyam Benegal Committee are disappointing as they choose not to examine any of the "reasonable restrictions", directly borrowed from Article 19(2) into the Cinematograph Act. Much of the political censorship that our cinema, particularly documentary films, are subjected to stem from these holy cow exceptions, especially as they allow politically partisan members of the CBFC to intervene and subvert free speech.

Censorship has no space in a mature democracy. The jury is out, though, on the kind of democracy we are with the government actually playing a bigger nanny, regulating not just cinema but our daily lives, rationing currency, petrol, even food portions, banning liquor, meat and criminalising love. In these times of beef-lynchings, couple-thrashings, legally-sanctioned goon squads and fatwas, intolerance will beget worse censorship in the coming years.

Total censorship and absolute freedom are problematic. India has varying needs; we must strike a balance



**BIMAL JULKA** is a former Information and Broadcasting Secretary and is currently an Information Commissioner in the Central Information Commission. Views are personal

**RIGHT** India is a very vast and complex country and the same freedom enshrined in the Constitution applies to cinema as well. Neither cinema nor the press are separately listed in the Constitution, though they are derived from Article 19 (1A), which lists the freedom of speech and expression. The issue of censorship comes up when we debate whether there should be restrictions to freedom of expression. And the answer is that a total censorship and abso-

lute freedom can both be problematic. Citizens of the country as complex as ours have varying needs, requirements and sensibilities and one has to strike a balance.

And this balance has been elaborated in the form of restrictions to freedom of expression under Article 19 (2) and these have to do with the sovereignty and integrity of India, the security of the state, friendly relations with foreign states, public order, decency or morality or in relation to contempt of court, defamation or incitement

to an offence. In the sense, there will be reasonable restrictions to free speech which affects the country's integrity and disturbs public order, decency and so on and so forth. I also strongly hold that the CBFC, which is a statutory body, should have the last word on a film, on whether to allow it for public exhibition without changes or release it with certain deletions and modifications.

**Vetting important**

The idea behind vetting is to ensure that people do not get exposed to potentially psychologically danger-



ous material. The combination of speech and sight and action in the semi-dark environment of a theatre can impact viewers in ways we cannot even imagine. The power of the visual medium can never be overstated. It carries with it the potential to instil violent modes of behaviour and cannot be equated with other modes of communication. Censorship and reasonable restrictions are required because of the impact that cinema can have on the minds of the viewing public. Films as a medium of entertainment require a different treatment

from books or newspapers. Watching a film is not like reading a newspaper. That is why films have to be certified in order for them to be exhibited in a public place according to age as Unrestricted, Adult or Under Parental Guidance or Special category.

**Cinema must be regulated**

And just as advertising and marketing are regulated by self-regulatory bodies, cinema too is regulated by the CBFC, with an individual from the world of cinema heading it.

The regional boards too have people from all walks of life and from different regions in India. The chairperson of the board and its

members are appointed by the Information and Broadcasting Ministry but these are people who represent different sections of society. The members are tasked with viewing films keeping in mind the reasonable restrictions enshrined in the Constitution. It is the restrictions which serve as a moral compass for the committee members of the Board. Certification is a dynamic process and one which is likely to change as society changes and evolves. For now, the government is in the process of examining the recommendations of the Shyam Benegal Committee, a demand of the Indian film industry, and which, to my mind, is the right step forward.

If we don't engage, how will we critique anything? The CBFC should certify, not censor



**IRA BHASKAR** is a professor of cinema studies at the School of Arts and Aesthetics, Jawaharlal Nehru University. She was also a member of the CBFC

**CENTRE** The name of the Central Board of Film Censors was changed to the Central Board of Film Certification in 1983 and that pretty much explains the responsibility of the CBFC, which is to certify films according to age. The certification should make it clear that UA means watching films under parental guidance. It is the responsibility of the parent to ensure that he or she accompanies the child. Movies certified Adult should not be censored at all. The ratings are meant to indicate the

category under which the films are certified as U, UA, S, and A. And as long as you certify films, you need a certification board. Like the West, we should have a child-centric certification, one which seeks to protect our children against adult content. The certification board should certify and not censor.

However, I do understand the problems when you encounter hate speech in a film as a member of the examining committee under the CBFC. Also, when a film creates hostility between communities/gender, demonising the other, its

narrative will make its politics clear to those from the examining committee tasked with certifying that film.

**Problems of omission**

The problem that we encountered as board members is that the examining committee tends to see and judge a film on the basis of a song or a dialogue in a film and not the whole. They tend to look at a dialogue and not the context in which it is placed. Filmmakers committed to a humanistic vision are sensitive to this and the dialogues are often contextualised in their films. Take *Bandit Queen*: if we don't contextualise the violence



the protagonist faced, we will not be able to understand the violence she unleashed. As a society we are extremely volatile and nervous about saying anything at all as a result, we don't debate anything and this often gets reflected in the acts of the examining committee which prefers to omit a troublesome part.

In the class where I teach cinema, I often discuss *Hey Ram* with my students. For me, the film is an examination of the kind of pernicious ideologies which instigate hatred of the other. It is a difficult film which politically examines Hinduism versus Gandhism and is a

commentary on what we have lost as a society. The film faced a lot of problems with the examining committee of the CBFC. If you cut out a dialogue or a scene from such a film, viewing it becomes meaningless.

**Meaningless cuts**

As a board member, I faced such a problem when *Chakravyuh*, a film by Prakash Jha, ran into problems with the examining committee which objected to a song after the film was given an Adult certificate. The song communicated the political vision of the film which was on Naxalites, and examined why they are so disenchanted with the political system. It criticised corporates

for impoverishing the people. When this film came to the revising committee, we tried to convince members that the song was the soul of the film. In the end, the filmmaker agreed to a disclaimer in the song which said the names of capitalists referred to in it were symbolic and were not meant to insult a particular corporate house. A member dissented and it was noted in the minutes.

If we don't engage, how will we critique anything? This nervousness with examining issues has created a strange situation where we censor rather than examine the content.

(As told to Anuradha Raman)

SINGLE FILE

## Banking on Teesta

The wheels within wheels in Delhi, Dhaka and Kolkata on the water-sharing issue

SUVOJIT BAGCHI



Prime Minister Narendra Modi's assurance to Bangladesh Prime Minister Sheikh Hasina that "only my government and your government... can and will find an early solution to Teesta water-sharing issue" has been endlessly debated. The comment, which was made in front of West Bengal Chief

Minister Mamata Banerjee, raised eyebrows as it was interpreted as being a step to bypass Ms. Banerjee, who has consistently opposed the changes Dhaka seeks in the sharing of Teesta waters. But it will be difficult to sidestep Ms. Banerjee as water is a State subject and requires her assent.

Can Mr. Modi then adopt a circuitous route by amending the Constitution to transfer the subject of water from the State List to the Concurrent List, as was indicated by Water Resources Minister Uma Bharti? The amendment would require approval by a two-thirds majority in both Houses of Parliament – the BJP doesn't have the numbers yet in the Upper House.

Second, to quote Ms. Banerjee, Teesta is the "lifeline" of north Bengal; ruling parties have never touched it for fear of losing the northern base. The Left Front's successive Irrigation Ministers insisted that if the waters of the Teesta were shared, it would only "strengthen the opposition (then Mamata Banerjee)." Ms. Banerjee too has maintained that if water is given from water-deficit areas, the onus would be "on them (the Central government)".

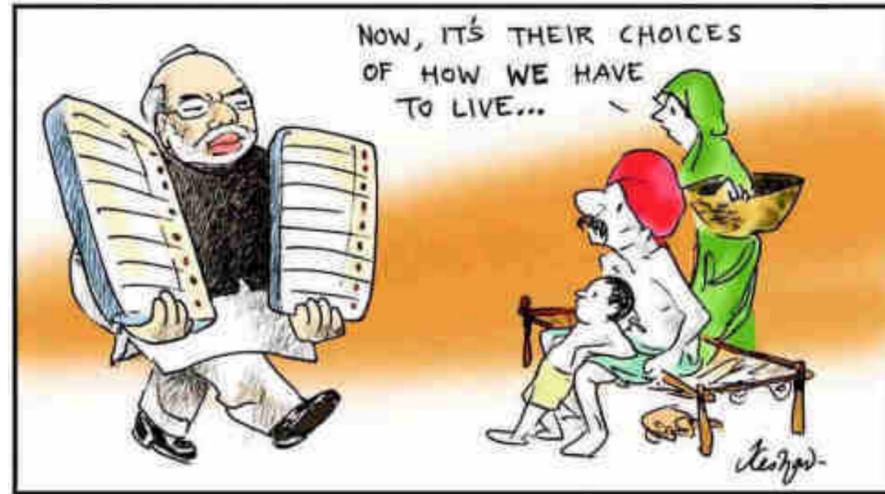
Ms. Banerjee, however, would perhaps not be averse to witness an accord where she, with a majority, is bypassed; it would be doubly beneficial for her. She would get rid of her anti-Bangladesh image by protecting the Teesta barrage at Jalpaiguri; on the other hand, she would be able to put the BJP on the defensive in north Bengal.

There is also no reason to think that the BJP is keen to strengthen the Chief Minister of a State where it is on the ascendant. Handing over a larger share of Teesta waters to Bangladesh is handing over north Bengal to Ms. Banerjee before the 2018 panchayat poll. Conversely, for Ms. Banerjee, it makes absolutely no political sense to give in to Bangladesh. She could lose parts of north Bengal, while losing her only bargaining chip, the Teesta, to the Central government.

**It's all internal**

Indeed, Bangladesh's former Foreign Secretary Tauhid Hossain has a point when he blames, as he did in an interview, India's "internal politics" for the deadlock. For Bangladesh, Teesta has emerged as a new bargaining chip vis-a-vis India. Diplomats acknowledge that Dhaka's growing friendship, as indicated through an astronomical investment, with Beijing has disturbed New Delhi, and finding an "early solution" is way more difficult now.

Bangladesh's diplomatic missions here do not live in hope. The pessimism has even reached Dhaka; the Awami League cancelled the customary public reception of the Prime Minister on arrival, arguing that such receptions disturb the traffic. But when have the Bengalis – in the east and the west – prioritised public inconvenience over political programmes? The river that received "greatest attention" has thus lost sight of the shore in the summer of 2017.



**CONCEPTUAL**  
**Ontogeny and Phylogeny**

BIOLOGY

Ontogeny is the developmental history of an organism during its existence, while phylogeny refers to the evolutionary history of a species. Ontogeny begins with the changes in the egg at the time of fertilization and includes developmental events to the time of birth or hatching and afterwards. Ancestral characters are very often preserved in the course of an organism's development. For example, both chick and a human embryo go through a stage where they have slits and arches in their necks, that are identical to the gill slits and gill arches of fish.

**MORE ON THE WEB**

**We are involving senior to draw a roadmap for municipal corporations: Ajay Maken**  
<http://bit.ly/MakenDPCC>

**ACT ONE**

## Like the LaGrand brothers

Kulbhushan Jadhav's options at the ICJ in The Hague

KRISHNADAS RAJAGOPAL

Brothers Karl and Walter LaGrand, German nationals permanently residing in the U.S., were arrested in 1982 in Arizona for an attempted bank robbery. The bank manager was killed and an employee seriously injured. In 1984, they were convicted of first-degree murder and sentenced to death.

The LaGrands being German nationals, the Vienna Convention on Consular Relations, 1963 requires the competent U.S. authorities to inform them of their right to communicate with the German consulate.

Article 36 of the Convention allowed consular officers the right to access, converse and correspond with nationals in prison, custody or detention and arrange private legal representation – a lawyer of the nationals' own choice – to defend them during trial. None of this occurred in the case of the LaGrands. In fact, the Ger-

man consulate knew of their predicament only in 1992 after the siblings reached out to it.

Germany brought the LaGrand case to the International Court of Justice (ICJ) in The Hague against the U.S. for breach of Article 36 of the Convention barely a week after Karl was executed on February 24, 1999. The ICJ issued an order of injunction to prevent Walter from being executed. But on March 3, Walter too was executed.

Closer home, Pakistan and India have accepted the Vienna Convention of 1963. News reports from Pakistan suggest that Pakistani authorities "repeatedly refused" Indian consular officers access to the former Navy personnel, Kulbhushan Jadhav, who has been found guilty by a military court of espionage activities.

India can move the ICJ for an immediate injunction against Mr. Jadhav's death sentence. It can present a case against Pakistan for breach of the

rights of Mr. Jadhav under Article 36 of the Vienna Convention by depriving Indian consular officers of the possibility to render him assistance.

India can seek a "review and re-consideration" of the conviction and death sentence awarded to Mr. Jadhav in the light of the rights set forth by Article 36. A pending case in the ICJ would deter Pakistan from executing Mr. Jadhav before the final decision of the ICJ. Further, it may prevent something like this from happening in the future on the part of either country.

The LaGrand case saw the U.S. undertake a "commitment" to ensure implementation of specific measures adopted in the performance of its obligations under Article 36 in case a foreign national is taken into custody, detained or imprisoned. A similar 'commitment' can be extracted from Pakistan before the ICJ if Mr. Jadhav's case is taken there.

**FROM The Hindu. ARCHIVES**

FIFTY YEARS AGO APRIL 14, 1967

### High-level talks on price line

The Prime Minister, Mrs. Indira Gandhi, to-day [April 13, New Delhi] had a meeting with some of her Cabinet colleagues in charge of Economic Ministries and reviewed the present economic situation in the country. Those who attended included Mr. Morarji Desai, Mr. Fakhruddin Ali Ahmad, Mr. Asoka Mehta, Mr. Dinesh Singh and Dr. V.K.R.V. Rao. The Food Minister and the Steel Minister were not present as they are out of station. It is learnt the one and a half hour meeting discussed the various points thrown up at the recent Chief Ministers' conference. No decisions were arrived at. The Prime Minister is expected to have another round of discussions after her return from the one week holiday she proposes to have at Darjeeling.

A HUNDRED YEARS AGO APR. 16, 1917 (NO ISSUE ON APR.14)

### Coonor notes: The season

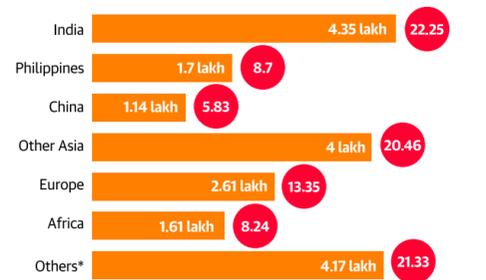
The rush of visitors, the increase of motor traffic and the number of social functions taking place have made the station present a gay appearance. Despite the war, it is encouraging to note that this year's season will be a record one in regard to the number of visitors, so much so that it is hard to find houses with the sign board "to let." On the 14th instant at the Coonor Club H.E. Lady Pentland will open a fancy fête in aid of the Y.M.C.A. holiday home – it is a function that always one looks forward to with pleasure. Among the visitors I may state that Mr. J. Krishnama, I.C.S., Sub-Collector of Kumbaconum, is residing at "Inkerman," Mr. Justice Vurghese is staying at "Brooklands."

**DATA POINT**

### Engineering the American dream

Between 2003 and 2013, around 73 lakh new scientists and engineers joined the U.S. workforce. Around 19.5 lakh (27%) of them were born outside the U.S. And of them, around 22% were born in India, making it the leading non-U.S. nation actively contributing to the growth of the American scientific community.

WORKERS WHO JOINED BETWEEN 2003 AND 2013  
AS A PERCENTAGE OF THE 19.5 LAKH NON-U.S. BORN WORKFORCE



SOURCE: NATIONAL SCIENCE FOUNDATION (WWW.NSF.GOV)  
\* SOUTH AMERICA, CENTRAL AMERICA, CARIBBEAN, NORTH AMERICA (EXCLUDING THE UNITED STATES) AND OCEANIA