

# Combine Away, But Where is Coherence?

Presidential elections not any real test

A strong ruling party must be complemented by a strong Opposition for democracy to work well. Right now, the ruling party at the Centre has ever-increasing clout, even as the Opposition stands fragmented and weakened. This is the background in which several Opposition parties have launched an effort to produce a combined front against the BJP, starting with the forthcoming contest to choose who will succeed Pranab Mukherjee, whose term comes to an end in July, in the office of the President of India. But presidential elections offer no secure foundation for Opposition unity in Lok Sabha elections.

Several considerations attend on the election of the president, which would be absent in the real political battle of general elections. The Shiv Sena and the CPI(M) have supported Congress nominees for the president in the past, even when they were opposed to the party, because of regional considerations. The Sena had to support a candidate from Maharashtra and the CPI(M) could not alienate Bengali sentiment by opposing a Bengali's candidature for the highest office of the land. In a hypothetical example, the ruling BJP could plausibly find reason to choose Sharad Pawar as its presidential candidate — it would leave the Opposition no choice but to lend their support and drive the wedge deeper between the Congress and the NCP, giving the BJP greater leverage in its bargain with truculent ally Shiv Sena. And Pawar can be counted on to not rock any boat and play by the book, which, ultimately, is that any ruling party wants the president to do.

But that does not mean that the Opposition should not get together to put up a common candidate for president. But they have to look beyond, to have a common agenda to present to the people, apart from animosity towards the ruling party. That calls for constructive collaboration on a shared vision sufficiently different from the BJP's. For many regional parties centred on individuals and their families, this is easier said than done. Especially when it comes to carrying conviction with the citizenry, the all-important factor in politics.

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# Melting Arctic Ice: Call to Climate Action

The Arctic Sea ice is thawing at a rapid pace — over the past three decades, the area of sea ice in the Arctic has fallen by more than half. A recent report estimates that the Arctic will be free of sea ice by 2040, much before an earlier estimate of 2070. Apart from gearing up for effects such as an increase in extreme weather incidents and rising sea levels, countries, including India, must reinforce their commitment to a lower carbon economy.

Melting of the Arctic ice has a direct correlation with the rising incidence of droughts, floods and heatwaves. The warming Arctic affects ocean currents and winds, with follow-on effects across the world, including on the Monsoon. This impacts cropping patterns and food production, and exacerbate water stresses. The quickened pace of sea ice melt will mean rising sea levels that will pose a danger to coastal cities, including Mumbai. As permafrost thaws, dormant viruses and bacteria could resurface to pose new public health challenges. The melting of the Arctic sea ice has been an issue of concern for scientists and environmentalists for long, now it must concern the larger community. Growth will have to produce less carbon dioxide, which warms the planet, than at present.

The climate change commitments made at Paris are far from adequate to meet the goal of restricting global temperature rise to well below 2° Celsius. Countries, sub-national entities like cities, and businesses all need to step up their efforts. This is not the time for countries to step back or make a downward adjustment to their commitment to take measures that would slow down global warming. The cost of not stepping up efforts is immense; one that the poorest who will be the worst affected can least afford.

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Understanding the opposition should be part of the game

# Wrestling with a Foreign Language

An advertisement for an airline currently airing on TV shows a cricket coach telling his team that in order to beat the Indians they must “think like Indians, eat like Indians and dance like Indians”. Language was not included in this immersion exercise but had a real coach conceptualised the commercial, he would probably have included it. Apart from obviating on-field misunderstandings — of which there have been several notable incidents — it could help them understand at least a few of the communications between fielders or batsmen. So our Olympics bronze medalist wrestler Yogeshwar Dutt must be commended for realising the obvious advantages of knowing specific foreign languages and getting trainees in his academy to come to grips with Russian in addition to arm drags and headlocks.

Looking at the medal tallies of the last few Olympics, it is clear that Indian sports people with international ambitions in weightlifting, wrestling and gymnastics — among others — should learn Russian. And a smattering of Chinese may prove useful to those competing in shooting and archery, not to mention table tennis and badminton — sports in which India has shown a lot of promise and some success. Of course, it may also be wise to find out which countries' sportspeople have picked up relevant words and phrases used by Indians too.

For much-needed investment into the aviation sector, India needs to respect global norms

# Enough Lift to be Airborne?



Mitri Najjar & Emma Pond

A prosperous country is a connected country, one in which people and goods can get to where they need to quickly and easily. With this in mind, the government is pushing to expand its regional aircraft routes. Under the Ude Desh Ka Aam Nagrik (UDAN) scheme, airlines are being offered subsidies and a waiver of airport charges to operate from smaller cities.

But financial incentives are only part of the story. Regulation matters too. In particular, measures that will attract the foreign capital that airlines need to expand and to equip themselves with the smaller, regional aircraft that can operate from smaller airfields in smaller communities. The latest moves — refinement of amendments made in 2015 to the Aircraft Rules 1937, which came into effect in March — are welcome. But they also leave the aviation community thirsting for more.

The basic problem is one of uncertainty. Foreign aircraft lessors and financiers want to know that, in the event of an airline operator running into money trouble, their assets will be safe.

In many parts of the world, such confidence now comes from a country having signed and implemented the Convention on International Interests in Mobile Equip-

ment, signed in Cape Town, South Africa, in 2001 and its related Aircraft Protocol (Capetown Town Convention, CTC). This treaty was designed to facilitate asset-based financing and leasing of aircraft by reducing a creditor's risk and by enhancing legal predictability in the event of an aircraft operator's insolvency or other default.

The good news is that India signed and ratified the CTC in 2008. The bad news is that it has been slow to enshrine this in domestic law. The CTC, although ratified, still does not take priority over conflicting national law, except for those provisions that have been specifically incorporated in the Aircraft Rules 1937.

## Kingfisher Crisis

When Kingfisher Airlines got into severe financial difficulties in 2012, the administration was alarmingly slow to respond to the requests of lessors and financiers trying to retrieve their aircraft. Although Kingfisher's leases predated CTC, questions arose as to the extent to which India's ratification of CTC would have made a difference to the outcome, given its status in Indian law.

The uncertainty meant that those still willing to invest in Indian aviation sought to mitigate their risk by demanding large security deposits, or advance rental payments — additional burdens that could only make it harder for the sector to take flight.

In 2015, GoI amended the Aircraft Rules 1937, so that any CTC-covered aircraft in India would be formally deregistered by the Centre on receipt of a suitable application from the lessor. The new regulation was put to the test that very year, in the Delhi High Court, when Spice-



It should be the other way around

Jet ran into difficulties, with welcome results for the lessors. Referring to the amendment, the judge ordered the Directorate General of Civil Aviation (DGCA) to deregister six Boeing 737s, and confirmed that the DGCA had no discretion on the matter.

## The Convention

To those who argued that repossession of the aircraft would be against public interest, the judge pointed out that “there is as much, if not more, public interest in ensuring that treaty obligations are honoured, and that the parties adhere to their respective contractual obligations. The very fact that India has ratified the Convention... gives rise to the presumption that it has been done in the larger public interest.”

Will other courts make the same presumption? Further amendments to the Aircraft Rules 1937 made in March suggest that GoI would like them to. The latest changes impose a deadline of five working days for an aircraft to be deregistered once the lessor's request is in, and oblige the government, in some circumstances, to facilitate the export and physical transfer of the aircraft within five working days. Such moves can only make India's airlines more attractive to foreign lessors and financiers. But they still fall short of incor-

porating all the provisions of the CTC into domestic law. While a big and tempting market, India looks less appealing than most of the other 66 jurisdictions that have ratified the CTC — where either the Constitution is such that the CTC automatically prevails over national legislation, or enabling legislation has been expressly brought in to this effect.

In the future an Indian court may construe the CTC as being inconsistent with, say, national insolvency laws and so may not uphold it. One of the CTC's attractions is that contracting states can adopt certain clear — and, in many countries, readily enforceable — protocols for what happens to leased aircraft if a carrier becomes insolvent. India's halting progress in transposing the CTC into the Aircraft Rules 1937 leaves open the worrying possibility that these protocols will not apply. Or will apply only after a protracted and costly tussle with existing national insolvency laws.

GoI has done much to ease overseas investors' anxieties in the five years since the Kingfisher crisis. There is, however, more to do if it is to unlock the capital that will make its aviation ambitions a reality.

The writers are lawyers, Gibson Dunn & Crutcher, London

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**WIT & WISDOM**

“If you cant beat ‘em cooperate ‘em to death!”

Charles M Schulz  
Cartoonist

## Traffic Fatalities

As many as 1.25 million people die worldwide in traffic accidents every year, according to WHO. And close to half of those tragic deaths are caused by drivers going faster than posted speed limits. No wonder low- and middle-income countries, where traffic law enforcement is not too strict, account for 90% of the world's road traffic deaths despite having only about half of the world's vehicles...

### 1.25 million road traffic deaths occur every year, 2015

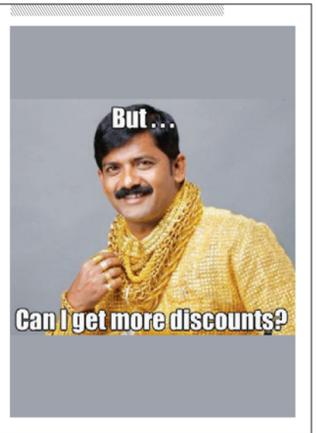
Countries by income	Vehicles, %	Deaths, %	Death rate*
High-income	46%	10%	9.2
Middle-income	53%	74%	18.4
Low-income	1%	16%	24.1

### Estimated road traffic death rates\*, select countries

Thailand	36.2
S Africa	25.1
Brazil	23.4
Russia	18.9
China	18.8
India	16.6
US	10.6
Japan	4.7

\*Road traffic fatalities per 100,000 population

## MEME'S THE WORD



## NEUTRON TO NYLON

# The History of the Future



Debkumar Mitra

It is a BBC documentary yet to be broadcast. But we already have cold sweat streaming down our spine. In the documentary, theoretical physicist Stephen Hawking has done some science-based crystal ball-gazing and come up with a definite solution for the survival of the human species in the future.

“The human species will have to populate a new planet within 100 years if it is to survive,” says the BBC publicity blurb for the show, adding, “With climate change, overdue asteroid strikes, epidemics and population growth, our own planet is increasingly precarious.”

A hundred years? In November 2016, speaking at the Oxford University Union, Hawking had given us a 1,000-year timeframe for survival. It will be a logistical nightmare for the governments to transport roughly 8 billion people to a new world. James Cameron, is there a film here?

So on his centenary year, science fiction writer and futurologist Arthur C Clarke had it right on the money with his prediction — even though he was off by some 2,000 years. In 1986, Clarke published The Songs of Distant Earth. The story is set on Thalassa, an oceanic planet in another star system, colonised by former Earthlings who have escaped the predicted destruction of the Earth by a solar nova in the fourth millennium.

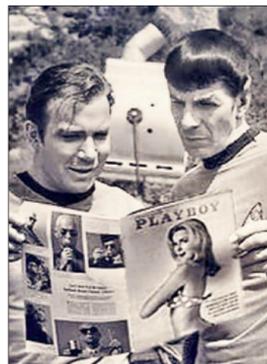
In February this year, researchers announced the discovery of TRAPPIST-1, a seven-Earth-sized planets system around a single ‘cold’ star. Nasa said, “This system of seven rocky worlds — all of them with the

potential for water on their surface — is an exciting discovery in the search for life on other worlds.” Wrap this discovery with the Hawking advice and you have The Songs of Distant Earth.

The only thing that scientists need to figure out now is how to ferry humans and equipment across 39.5 light years within 100 years.

Hawking is not alone in this swell season for predictions. He is in the august company of Tesla boss Elon Musk and Google director of engineering and futurist Ray Kurzweil. Between the three of them, we have a handful of predictions that possibly will stop even the most optimistic futurist on his track.

Musk, also the founder of spacecraft manufacturing and launching company SpaceX, had said that the probable life span of human civilisation would be much greater if we were a multi-planet species. Musk has already warned the high priests of artificial intelligence (AI) that if we let the genie out of the bottle, it will come back to destroy us, calling AI our “biggest existential threat”.



Spock, will we find this in another planet?

Musk has Hawking as his ‘Be afraid of AI. Be Very afraid’ co-campaigner. In fact, Hawking created another doomsday agent in AI two years ago, when he told the BBC that unbridled development of AI could spell the end of the human race.

Meanwhile, Kurzweil — whose fans say that since 1990 the futurist has made 147 predictions and he is correct 86% of the time — speaking at a conference in Austin, Texas, this month, predicted that 2029 is the year in which “an AI will pass a valid Turing test and therefore achieve human levels of intelligence”.

He went on to add that in 2045, the AI researchers will achieve ‘Technological Singularity (TS)’ — the point in time when all the advances in technology will lead to machines that are smarter than humans. But Kurzweil isn't afraid of smart machines. Instead, he predicts an unparalleled development of human-machine synthesis.

In his collection of essays, Profiles of the Future, Clarke unveiled his ‘First Law’: “When a distinguished but elderly scientist states that something is possible, he is almost certainly right. When he states that something is impossible, he is very probably wrong.” If we replace ‘a distinguished but elderly scientist’ by Hawking or Kurzweil or even Musk, then what they are predicting comes within the range of plausibility.

While the future is largely unknown, our best guesses for it, however counter-intuitive they may sound, can come true. The difference between palmistry and science-based predictions is the latter can be tested. So, are Hawking, Musk and Kurzweil right? An honest answer would be ‘Who knows?’

Yes, AI is already making its presence felt by eating up jobs. But whether it will go The Terminator way, we don't know. Will we attain TS in 2045? If we stretch our imagination maybe. And will humans be destroyed within 100 years? We don't know.

## Citings

## Managing Strategy

DAN LOVALLO

Behavioural economics teaches us that a host of universal human biases, such as over optimism about the likelihood of success, can affect strategic decisions. Such decisions are also vulnerable to what economists call the “principal-agent problem”: when the incentives of certain employees are misaligned with the interests of their companies, they tend to look out for themselves in deceptive ways. Most companies know about these pitfalls. Yet few realise that principal-agent problems often compound cognitive imperfections to form intertwined and harmful patterns of distortion and deception throughout the organisation.

Two distinct approaches can help companies come to grips with these patterns. First, managers can become more aware of how biases can affect their own decision-making and then endeavour to counter those biases. Second, companies can better avoid distortions and deceptions by reviewing the way they make decisions and embedding safeguards into their formal decision-making processes and corporate culture. Of all the documented cognitive distortions, over optimism and loss aversion (the human tendency to experience losses more acutely than gains) are the most likely to lead people who make strategic decisions astray because decisions with an element of risk — all strategic ones — have two essential components. The first is a judgment about the likelihood of a given outcome, the second a value or utility placed on it.

From: Distortions and deceptions in strategic decisions



## Soothing Sufiana

SYED WAJID ALI

Sufism is a mystical dimension of Islam, transcending all religions. It is a way of experiencing truth and self-realisation, and in the process takes the seeker on a path of serenity, piety and divinity by means of love and devotion to God.

The word ‘sufi’ comes from the Arabic word ‘suf’, which means pure. Sufi music is all about the relationship between the moods of the lover-poet-saint and the beloved. Sufism originated with the foundation of the Chishti order in Khorasan, Persia. Sufi compositions contain effusive verses with an esoteric dimension written in an ornate language.

Hazrat Amir Khusrav, Maulana Jalaluddin Rumi, Baba Bulle Shah, Ghulam Farid and Allama Iqbal were some of the finest Sufi exponents.

Sufism transcends all boundaries of language and religion. Sufi music has the power to heal and its philosophy has a soothing effect. Qawwali recitals — whether of Qawal, Basant, Rang, Kaafi, Hamd or Naat — incorporate classical and folk music, borrowing from forms like tarana, dadra, thumri and khyal. The eclectic synthesis produces a mesmerising effect, generating a feeling of tranquility.

## Chat Room

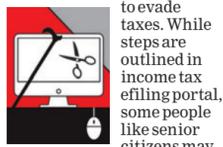
## Banks Must Lend Judiciously

The government's move to empower the RBI to direct commercial banks to initiate bankruptcy proceedings will provide comfort to bank officers to take quick decisions, clean up banks' books, and revive investment and growth. But prevention is always better than cure. The top management must exercise due diligence on borrowers' proposals and make loan decisions transparent. This, in turn, will foster entrepreneurship for the economy to grow.

S RAMAKRISHNASAYEE  
Ranipet (Tamil Nadu)

## Need Helpline for eFiling

The linking of Aadhaar card and Permanent Account Number (PAN) is a good idea to curb tax evasion and frauds arising out of use of multiple PAN cards by many



to evade taxes. While steps are outlined in income tax e-filing portal, some people like senior citizens may find it tough to follow, especially if they are not tech-savvy. A helpline and granting more time for compliance is in order. The need is also to ensure uninterrupted Internet connectivity, and that, in turn, calls for making spectrum cheap.

SRINIVASAN UMASHANKAR  
Nagpur

## Respite for Airline Crew

The ministry of civil aviation has done well to come up with a set of rules and to form a “national no-fly list” to deter unruly passengers such as Shiv Sena MP Ravindra Gaikwad, who had a run-in with Air India staff. The draft rules propose graded punishment for offences. One wonders why these rules were not implemented earlier as airline personnel were subject to ridicule and abuse even earlier. Similar rules should be framed to check unruly train passengers.

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