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A test case for digital privacy

The SC ruling on the WhatsApp issue will be a benchmark

There is no guaranteed right to privacy enshrined in the Constitution. However, in many judgements over several years, several legal luminaries have interpreted Article 21 – the right to life and liberty – as giving rise to a somewhat limited right to privacy. There are a number of restrictions to a right to privacy, mostly articulated through interpretations of judgements of the Supreme Court. It is in light of this that the ongoing case challenging WhatsApp's privacy policy becomes important.

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This is primarily because the right to privacy is a lot more complicated when it is transposed from offline life to an online universe; where corporations not based in India are used widely by Indians for communication and knowledge dissemination. The petitioners in the case contend that WhatsApp had a far more stringent privacy policy before being acquired by Facebook in 2014. Now, both content and metadata of users can be accessed by Facebook. This change is significant because in theory, data collected by Facebook can be used for tracking and monitoring of users easily. India's first regulation for 'data privacy' came through the Information Technology Act of 2000. This law deals with compensation for negligence in implementing and maintaining reasonable security practices and procedures for sensitive personal data or information; and provides punishment for disclosure of information without the information provider's consent. In the case of privacy concerns regarding the unique identity scheme or Aadhaar database, the attorney general had argued in the Supreme Court that privacy is not a fundamental right guaranteed to Indian citizens, and so collecting and storing biometrics cannot be a violation of such a right. This case is still underway and has been referred to a larger bench of the Supreme Court.

In light of the complicated jurisprudence surrounding the right to privacy, the WhatsApp case takes on an important hue. The judgement in the case could determine the way ahead for privacy – both online and offline – in India.

Trump's Russia fixation could be his undoing

The appointment of a special prosecutor could make life difficult for the president

Nowhere is the gap between the world views of Donald Trump and the United States establishment wider than in their respective attitudes towards Russia. President Trump is arguably the friendliest Oval Office occupant that Moscow has had since FD Roosevelt. However, almost every other element of the US system is hostile to Russia. The result is a schizophrenic US attitude to the Kremlin, but one that could be potentially fatal to the Trump presidency. The latest storm is over reports that the US president revealed classified counterterrorism intelligence to a Russian delegation. At last count, there are three official US investigations into the degree of Russian interference in US politics.

Mr Trump takes a benign view of Russia's annexation of part of the Ukraine and, like a true businessman, deeply disapproves of the use of sanctions. He also believes a US-Russia military alliance would be the best means to destroy the Islamic State. Some of this is not without merit, but Mr Trump lacks the patience or charm to sell this policy to his own government and the US Congress. The recent intelligence gaffe, where Mr Trump broke protocols that would have ended the career of a normal official, only added to a sense of a US president overly under the influence of an unfriendly foreign power.

These developments are also inimical to India's interests. They are also a growing threat to the Trump presidency. His antics are feeding momentum in Washington in favour of appointing a special prosecutor to settle what Mr Trump has dubbed "the Russia thing." Special prosecutors, as Richard Nixon and Bill Clinton know well, are legal entities whose investigations alone can paralyse a government. With polls showing 80% of Americans supporting a prosecutor, it will be curious to see how long his Republican colleagues continue to shield him.

Cherry-pick from the OBOR menu

India must put aside geopolitical objections and negotiate with China for economic benefit



MANOJ JOSHI

President Xi Jinping has just hosted a mega show to sell China's massive Eurasian connectivity scheme, known variously as the One Belt One Road (OBOR), or the Belt Road Initiative (BRI), to the world. Present at the occasion were presidents and prime ministers, and leaders of other parts of the world and, more disconcertingly, our neighbouring countries as well.

If you get the impression that India was isolated in its boycott of the meeting, you are not wrong. But this has been an avoidable injury. The basis of New Delhi's rigid opposition to OBOR has never been quite clear. Speaking at the Raisina Dialogue in March 2016, foreign secretary S Jaishankar had implicitly criticised China for building connectivity without "consultative processes," and hardwiring the choices for its participants. Subsequently, New Delhi raised the issue of the China Pakistan Economic Corridor (CPEC) passing through PoK.

Last week, in listing out his objections to

the scheme, official spokesman Gopal Baglay said that "no country can accept a project that ignores its core concerns on sovereignty and territorial integrity." But this sounded more of a pretext to oppose OBOR than anything else; India has never seriously sought the return of Gilgit-Baltistan and has wanted the LoC as an international boundary.

Actually a lot of the hard wiring is already done. The year 2017 will see an estimated 2,000 trains travel from a dozen Chinese cities to over 20 European destinations on newly built lines and tunnels in central Asia.

Pipelines and railroads have already shifted the economic orientation of the region from Russia to China. South-east Asia is undergoing a similar process through new rail lines overlaying the traditional maritime routes. In the Indian Ocean Region (IOR), Chinese companies have built, are building and, in many cases, operating, ports in Myanmar, Sri Lanka, Pakistan, Tanzania, Kenya.

It is important to understand what OBOR is and what it is not. Its primary goal is to integrate the rich European economy with that of China, not about CPEC and Pakistan, which are sideshows of the ambitious scheme. The shorter term goal is for China to emerge as the dominant regional power in its neighbourhood, where it is already the leading economic presence. Linked to this is



President Xi Jinping at the Belt and Road Forum meet, Beijing, May 14

the compulsion of protecting Chinese maritime commerce, particularly oil, in the IOR. India lacks the resources to match China's ambitious plans for Eurasia, but it is directly affected by Chinese money pouring into its neighbourhood and the marked surge in Chinese naval activity in the IOR since 2014. Beijing has now established a base in the Djibouti and you can be sure that Gwadar is a Chinese naval facility in all but name.

And this is just the beginning. After connectivity, Beijing is moving on the second leg of its strategy – an economic policy to make China a developed country. For this China intends to sit at the top of the global

manufacturing value chains instead of being a low-level aggregator. Beijing is investing hugely to gain the global pole position in integrated circuits, artificial intelligence, robotics, bio-pharma and electrical cars. The European connection is the key to this, since high-end products need a rich market.

A major problem with the Indian response is that it concentrates exclusively on the geopolitical leg of OBOR – Pakistan, Sri Lanka and so on. But the scheme is primarily about geo-economics. By staying out of it, India risks being systematically frozen out of business opportunities in an enlarging area that is integrating with the Chinese economy around the world.

India cannot stop the scheme, but it can hamper it in many ways. We are not without clout in our region, and we possess a vast and growing market for Chinese products. These factors can be parlayed into a hard-headed negotiation with the Beijing to insist that the benefits of participating in OBOR must be shared. But, first, New Delhi needs to stop whining and learn to cherry-pick the OBOR menu.

True, it is a Chinese scheme, funded by their banks and largely executed by Chinese companies. But Beijing now realises that it is too big and complex to be done on its own. If China is open to working with other countries, as Xi's speech seemed to suggest, it may yet be possible to get them to understand how their favourite phrase "win-win" cooperation can really be win-win.

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The views expressed are personal

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The Union government should work with Muslims to usher in a uniform civil code and the community should step forward to embrace it

Three talaqs at one go has no validity in the Quran

Instead of enforcing the law properly, the Centre wants the Supreme Court to annul the practice



M MUNEER

The Supreme Court's comment on the triple talaq system as a practice too "abhorrent" to be legal, and the direction it hints at, is akin to throwing the baby out with the bathwater.

Critics of Islamic systems should know that Islam upholds the equality of sexes, caste, creed or colour. The institution of marriage is fundamental to a harmonious society. Talaq in Arabic means an oath taken to proceed for 'slow' release from a marriage, and as a system triple talaq provides ample scope for reconciliation. Research shows that most divorces in India take 10-12 months even when both parties are amenable. The triple talaq, if followed right, is a wonderful system that cuts down on expenses and preserves the dignity of women.

For the majority of Muslims, ignorance is bliss, and they blindly follow the predominantly male clerics. Research has found that more than 85% of Muslims have not read the Quran in full to understand the value system prescribed in it for the betterment of humankind.

They recite it as part of prayer rituals but it is in Arabic and very few have read a translation. The Sura Al Baqra, on which Islamic personal law is almost entirely based on, elaborates on triple talaq in verses 226 to 241: For those who take the oath for abstention from their wives (the first talaq), a waiting of four months is ordained but during that time reconciliation should be made feasible.

If not, proceed to the next stage of talaq, after which women shall wait for three months. During this time husbands have the right to take the wife back, if they wish for reconciliation. Women have similar rights. During the seven months between the two talaqs, family and friends shall intervene and make attempts to effect a reconciliation. If everything fails, pronounce the third talaq. Clearly, Quran prohibits three talaqs at one go. It is apparent that triple talaq is mistaken for instant talaq, which is un-Islamic.

The government's stand on triple talaq is only partially correct. Instead of enforcing the law properly, they want the Supreme Court to annul it. The government should work with Muslims to usher in a Uniform Civil Code, and the community should step forward to embrace it. Opposition parties see the move to annul triple talaq as anti-Muslim in the guise of safeguarding the dignity of women. They may do better by taking a narrative around abandonment as an even more "abhorrent" a system than instant triple talaq. The latter, at least, gives women an option to remarry.

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The views expressed are personal

Why Indians are racist towards African students

There's a tendency in this country to demonise, homogenise and vilify people who are 'not like us'



ANURADHA CHENOY

African students who have staked all to come to study in universities in India have been facing different levels of racist attacks. Some recent incidents of such attacks were reported in Noida, where students of a private university were attacked by mobs outside the campus. The attackers called the African students Nigerians, which has become a term of abuse in the area. In other incidents, African students have felt isolated, conscious of their colour and difference in various public places. In many universities where they study, African students feel some kind of racism in practice.

The consequence is that African students tend to stay together in their own groups, are not able to make friends, are scared when alone. The major attraction of coming to study in India is becoming a hazard. The goodwill that India has had with Africa is at risk.

In India, there are many problems and contradictions when dealing with the issue of racism. First there is a denial of the existence of racism. Even while we see ourselves as victims of external (western) racism, we refuse to look critically at our own biases. Our biases about colour and privileging the 'fair' and seeing them as superior, is evident from our matrimonial advertisements in every Sunday newspaper. It is evident when north Indians see themselves as 'wheatish' and fair and identify the South Indians as 'blackish'. Every shade of this 'wheatish' from light, to lighter to more 'ish' is considered superior. Our obsession with fair was expressed recently by some senior RSS functionaries who proposed nurturing and producing fair skinned babies as a superior group. 'A University stands for humanism, for reason, for the adventure of ideas...' an Indian PM had said. Why then is there such racism and intolerance

A UNIVERSITY IS JUST AN EXTENSION OF SOCIETY. AND SOCIETY'S VALUES, BIASES, INTOLERANCES CREEP INTO THE UNIVERSITY SYSTEM UNLESS BATTLED AGAINST

in universities itself? The reason is that this humanism, tolerance and adventure of ideas, is restricted to small enlightened circles. Otherwise, a university is just an extension of society. And society's values, biases, intolerances creep into the university system unless battled against.

The multiculturalism taught in some liberal arts and social sciences does not penetrate even into the sciences. In some cases it remains in the class rooms and is not practiced outside. In other cases, there is fear of bucking the trend and confronting the general lynch mob.

When the last attack on African students took place the dominant Indian argument was that India is not racist and that we do a lot for Africa in terms of development assistance. Yes, India does contribute significantly to African development assistance. It has written off the debt to the Highly Indebted Poor Countries.

It has voted with Africa in international institutions against racism. But this has not been matched with a public discourse that critiques and challenges all forms of racism, exclusions and discriminations.

There are of course also the opposite examples, where African students have had excellent experience in some Indian Universities, and gone back as important figures and as ambassadors of Indian values. In Jawaharlal Nehru University for example, African students and African Studies has been encouraged. Students have come from Africa for Masters, M.Phil and PhD programmes.

It is a pity that no such admission will take place in 2017 because of changes in the admission process, and will decrease in coming years, since research is being discouraged in this institution, which is among those that encourages multiculturalism and resists racism. And such examples of critical thinking should become the dominant trend, instead centres for the study of exclusion are being shut down.

It is not only African students, but even some from the Northeast India, from Nepal and other places complain of racism in public places, markets and in universities, where they were derided as 'chinky' and Chinese. There is therefore a tendency to demonise, vilify, homogenise and see as inferior people who are 'not like us', while there is little acknowledgement or truth of who this 'us' really is, and how much difference and plurality there is in us itself.

In India, this fight against racism is a major challenge. So the fight against racism is a major process of changing public and social culture.

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The views expressed are personal

innvoice

ETHNIC DIVISIONS AND XENOPHOBIA ARE GLOBAL CHALLENGES



Daisaku Ikeda

With the rapid advance of globalisation, more and more people find themselves living in countries other than their place of birth. Since the start of the 21st century, there's been a 40% increase in the number of such people, now 244 million.

However, with the continuing stagnation of the global economy, xenophobic impulses have strengthened, creating increasingly difficult conditions for migrants and their families. Even if there is a comfort felt by

people when they are surrounded by others who share the same culture or ethnic group, we must remain vigilant against the danger that this group consciousness will metamorphose into violent discrimination or antagonism directed at other groups at times of heightened social tension.

It is also crucial to search for means to counteract the drift toward xenophobia and to rehumanise the discourse around migrant and refugee populations, and civil society has a key role to play in this endeavour... The world is not simply a collection of

states, nor is it composed solely of religions and civilisations. To view and judge others only through the prism of religion or ethnicity distorts the rich reality we possess as individuals.

In contrast, when we develop a deep appreciation, through our individual friendships, of each other's unique value, differences of ethnicity or religion shine as the varied hues of diversity.

(Innvoice comprises contributions from our readers. The views expressed are personal.)

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