



A clear misfire

The decision to sack the FBI chief calls into question Trump's use of presidential powers

President Donald Trump's decision to fire James Comey as the director of the Federal Bureau of Investigation at a time when the agency is expanding a probe into the possible collusion between Mr. Trump's campaign team and Moscow could well be a turning point in a scandal that is engulfing his administration. No incumbent of the White House since Richard Nixon has fired a top law enforcement official probing the President or his close aides. Nixon's decision to sack the special prosecutor investigating the Watergate scandal backfired, unleashing a chain of events that led to his eventual resignation. The reason Mr. Trump has given for ousting Mr. Comey is hardly convincing. The administration accuses Mr. Comey of having been unfair to Hillary Clinton, Mr. Trump's Democratic opponent, in an investigation concerning her private email server while serving as Secretary of State, and of incompetence. To be sure, Mr. Comey's handling of the Clinton case was very controversial and had triggered sharp criticism, especially from the Democrats. She said that Mr. Comey's public statement just days before the November 2016 election that the FBI had reopened the probe into the server issue cost her many votes. The irony is that Mr. Trump had then appreciated Mr. Comey's "guts". So now when he cites Mr. Comey's handling of the Clinton server probe as the reason to get rid of him, naturally it finds few takers.

On the other side, available facts suggest that the investigation into the Russia scandal was closing in on Mr. Trump's associates and that the White House has had little control over Mr. Comey's FBI. Earlier, Mr. Comey confirmed to Congress that the Bureau was conducting a "criminal investigation" into any links between the Trump campaign and the Russian government. Mr. Trump has already lost Michael Flynn, his original pick for National Security Adviser, from the Cabinet. Jeff Sessions, his Attorney General, has recused himself from the Russia probe, given his past ties to Moscow. Other Trump associates, such as Paul Manafort, Carter Page and Roger Stone, also face accusations in the scandal. Besides, as the American media reported, Mr. Comey had asked the Justice Department for more resources for the investigation. But what he got was a dismissal letter from the President. This reinforces the perception that Mr. Trump was wary of the investigation and that he fired Mr. Comey to stop, or at least disrupt, the process. He now has the opportunity to choose the next FBI chief, who will oversee the probe going forward. But the political storm his action has triggered in Washington and the growing calls for an independent investigation into the entire 'Russia' scandal suggest that Mr. Trump has overplayed his hand – both ethically and tactically. The Comey firing has, in fact, taken him closer to Russia, which he had tried so hard over the past three months to distance himself from.

TB timelines

The transmission cycle of the drug-resistant strain must be broken aggressively

Nearly two months after the Health Ministry set the ambitious target of working towards elimination of tuberculosis by 2025, a study published in *The Lancet* indicates that India's TB crisis is set to snowball by 2040 when one in 10 cases could be drug-resistant – both multidrug-resistant TB (or MDR-TB, resistant to more than one of the first-line drugs) and extensively drug-resistant TB (or XDR-TB, also resistant to fluoroquinolones and at least one of the second-line injectable drugs). What is even more alarming is the projection that the increased number of drug-resistant cases will come from direct transmission from infected people to others rather than by strains acquiring resistance to TB drugs during treatment due to inadequate treatment or discontinuation of treatment midway. The study found that "most incident" MDR cases are "not caused" by acquired drug resistance, which will become a "decreasing cause" of drug-resistant TB. The increased availability of drugs to fight drug-sensitive TB has led to the emergence of MDR-TB strains. With an increasing number of MDR-TB cases, there has been a shift in the way people get infected with drug-resistant TB – from strains acquiring drug resistance during treatment to direct transmission of MDR-TB strains from an infected person. The same trend is seen in the case of XDR-TB too. As a result, in high MDR-TB burden countries such as India, improved treatment outcomes in people might only reduce and not eliminate drug-resistant TB. Till 2015, only about 93,000 people with MDR-TB had been diagnosed and put on treatment.

The study, based on a mathematical model to forecast how TB is likely to progress in the four most-affected countries (Russia, the Philippines, South Africa, India), suggests that new MDR-TB cases a year in India will touch 12.4% by 2040, up from 7.9% in 2000. With respect to XDR-TB, the incident cases will rise to 8.9%, from 0.9% in 2000. In 2015, the four countries accounted for about 40% (more than 230,000) of all drug-resistant TB cases in the world. Besides targeting early diagnosis and treatment of those with the disease, India's TB control programme has identified enhanced interventions to break the transmission cycle of the bacteria in the community. Contact screening of family members and preventive treatment of all children below the age of five who have not developed the disease are already a part of the Revised National Tuberculosis Control Programme, but rarely done. Another important strategy that has to be adopted is making drug-susceptibility testing universal and mandatory. Developing more accurate, cheaper and effective diagnostic tests and improved treatment regimens that are less expensive and of shorter duration will also go a long way in winning the war against the disease.

New technology and old religion

Augmented reality is upending the interface between physical reality and human desire to shape our universe



SUNDAR SARUKKAI

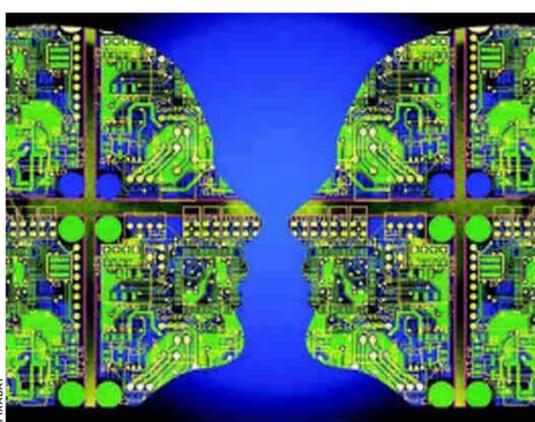
The Oracle has spoken. His vision will soon become your personal gadget. In the latest F8 annual global developer conference last month, the CEO of Facebook, Mark Zuckerberg, announced his vision of new technologies. He wants to change our lives by changing the way we perceive, engage and experience the real world around us. He wants to create augmented reality to spice up the mundane reality of our everyday world such as using an app to fill a cereal bowl with images of tiny swimming sharks.

Augmented reality is like this. It begins with dissatisfaction with the way the world appears before us. It panders to the worst of our human desires when it creates a world which is special to each one of us as if the world should be amenable to our desires rather than the other way around.

A familiar lure

However, Mr. Zuckerberg's vision is not really new. This vision is presented as if it is something new and radical but there is much in this new technological imagination that should remind us of old religious imaginations.

Mr. Zuckerberg wants us to "think about how many of the things around us don't actually need to be physical". His vision of a world suspicious of materiality points to technology's attempt to always go beyond the real which is present in front of us. This view of technology is closely related to the old religious imaginations, suggesting that the more digital, technological we get, the more religious we will become. Is it only an



accident that religiosity and new-age gurus have increased in the digital age?

If this suggestion sounds absurd, consider the following. Like religion, this new technology begins with a suspicion of the real physical world, always searching for something more than the world outside us. Both technology and religion do so by choosing the physical body as the fulcrum of all problems of the physical. They use selective ideas of liberation and freedom as an escape from the physical.

Both these domains raise fundamental questions about the autonomy of human action: do we lose our autonomy to God in the same way that we lose it to the digital gadgets? Both use magic and spectacle as a way to attract us towards them. Both of them create a sense of protection and comfort, and create forms of dependencies towards them. Finally, not to forget another common strategy to promote both these domains: the question of cost.

Religion is cheap for all that it promises us. Zuckerberg has learnt this lesson well: he sells his vision

by claiming that a \$500 TV can be a \$1 app in the future with the use of his technology. But what really is the problem with the physical? Why is the idea of the physical a problem for the digital technologists as also for the religious imagination?

Human and divine

There is a marked difference between the human world and the world of the divine. A crucial aspect of this difference is defined by the physicality of human beings. We are all embodied creatures, occupy space and consume physical produce. Our body is the first model of the physical, and this body is also the problem for many notions of liberation.

The body is a problem because the physical, by definition, is always an entity that is constrained and bound by laws. The body is a physical body in that it cannot do certain things because of its physicality. Liberation is firstly a liberation from the physical world. Heaven is not constrained by any of the factors that characterises the physical world. Gods and angels fly when we cannot. They are not re-

strained by the constraints of space and time. Gods are not like us. They are immaterial, omnipresent, eternal, a spirit, a consciousness. God is the first example of a digital world where there is no constraint due to physicality. That is also the reason why the notion of God was deeply correlated with mathematics in the Western tradition. Geometry was thought to embody the omnipresence, and arithmetic the eternality, of God. Isaac Newton was among those who subscribed to this fundamental relation between these two non-physical domains.

Augmented reality takes this one step further and is actually the logical end to the imagination of science and technology. Science describes the world in its own way, but the aim of science does not lie in a mere description.

The fundamental aim of science is to use this description and do something to the world which it describes. Science is as much about using the knowledge of nature in order to control and harness it. However, there is a more important aim of science: to ultimately create nature.

For science, it is not enough to merely know how things are or why they act the way they do, but it is more essential to know how to recreate not just this world but "better" ones. The ultimate aim of science is to be God; cloning, BT foods, artificial intelligence and augmented reality are just the first faltering steps on this journey.

Religion and Mr. Zuckerberg have one more thing in common. They depend on the fact that human individuals are perpetually unhappy with themselves and their world. Religion offers solace through another world, a world of the divine. Mr. Zuckerberg wants to create this world of the divine in his digital toys. He wants to change the world rather than ask us to change our individual selves.

The domain of Gods was differ-

ent from that of the humans, and so liberation meant leaving this place and going to the beyond. However, augmented reality is not about this form of liberation. It wants to create a heaven outside each of our doors, or at least outside each of our smartphones.

Not socially shared

Augmented reality is narcissistic and self-centred unlike religion in general. Religions are always social. They are practised socially and are composed of social rituals. But this new technological make-believe world which each one of us can create according to our desires and fantasies is not socially shared. It insulates and creates an individual who can only end up being socially delusional.

It is the digital world, ephemeral, unlocated, seemingly free and floating, that beckons as the way out of the constraints of the human world. This new technology mimics all that the old religion had to give in order to create a delusion of a new religion. Like all religions, it too forgets that the digital and the ephemeral are always based on a foundation of the material, just like human life is always based on a foundation of loss and death.

What Mr. Zuckerberg is showing us is only the glitz, and not the wires and the black boxes that are behind it which make all this possible. But eventually he is not responsible for what he creates. It is we, the suffering, burdened physical humans who go to him for the satiation of our desires. We are puppets in the hands of the digital masters and we have gone beyond the point of even asking whether we know what we are doing or what we are getting into. We are already in the land of the new religion.

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What's in a generic name?

The core issues are affordable access to medicines and their rational prescription and use

GEORGE THOMAS S. SRINIVASAN

The Medical Council of India (MCI) issued a circular on April 21 drawing attention to clause 1.5 of its regulations regarding the professional conduct of doctors: "Every physician should prescribe drugs with generic names legibly and preferably in capital letters and he/she shall ensure that there is a rational prescription of drugs." Further, the circular said, "For any doctor found violating clause 1.5 of Ethics Regulation, suitable disciplinary action would be taken by the concerned SMC/MCI."

This has caused considerable unease among medical professionals. It appears that the MCI has responded to the statement by the Prime Minister on April 17 that the government intended to ensure that doctors prescribe medicines by generic names only.

Nearly all drugs have three types of names, the International Union of Pure and Applied Chemistry (IUPAC), the non-proprietary or generic, most commonly the International Non-proprietary Name (INN) administered by the World Health Organisation (WHO), and

the brand name. Some countries, such as the U.S., Britain and Japan, have their own generic names or approved names.

Once patents have expired, companies other than the original manufacturer can produce and sell the drug. This usually results in significant reduction in costs. These off-patent drugs are called generics internationally. However, the term 'generic' has a different meaning in India's pharma trade. Medicines marketed exclusively with INN names are called generics or generic medicine.

The WHO advocates generic prescribing as part of an overall strategy to ensure rational medical treatment and prescribing tailored to local conditions. In India, there are many barriers to rational prescribing. For example, there are a bewildering number of fixed-dose combinations (FDCs), the vast majority of which have no therapeutic justification. These FDCs account for about 45% of the market (about ₹45,000 crore). The British National Formulary lists very few FDCs whereas in India there are thousands.

Of the total domestic pharmaceutical formulations, a market of



over ₹1 lakh crore, generic medicines, as understood by the pharma trade, account for not more than 10%, or ₹10,000 crore. Therefore, even if a doctor prescribes a drug by generic name, the patient will generally end up buying a branded product.

A misinformed debate

It simply shifts the focus of promotional activities to the pharmacists. It is well known that different companies offer different trade margins. There is the moral hazard that pharmacists will dispense the brand which offers them the biggest margin. The current diktat

by the MCI therefore will not reduce prices for the consumer.

Some commentators argue that brand names ensure quality and many doctors believe this. This belief is ill-founded. The recent quality survey by the government found 26 of 32 samples from a particular plant of a prominent multinational drug company to be not of standard quality (NSQ). The most effective way to maintain quality is to have periodic testing and stringent disincentives for poor quality. The best insurance for good quality is good regulation.

Some argue that bioavailability and bioequivalence (BA and BE) of generics may not be equal to the original brand. Bioavailability refers to the rate and extent to which the active ingredient of the drug present becomes available at the site of action of the drug. In order for a new generic drug to be licensed, it has to be bioequivalent to the reference drug.

It means that BA of the generic drug is similar to that of the reference drug. Of the approximately 800 useful drugs known to modern medicine, bioequivalence is really only important for a few drugs with low solubility and high

or low permeability, so the debate about BA and BE is somewhat misinformed.

The present pronouncements by government spokespersons on drug pricing, and concomitant actions by the MCI, appear to put the onus of all the problems in this sector on the medical profession whereas successive governments have taken very few initiatives to reduce drug costs and promote manufacture of only rational medicines. The current method of price control legitimises margins of up to 4000% over the cost of the product.

The core issues are affordable access to medicines and their rational prescription and use. These objectives require an enlarged list of essential and life-saving medicines under price control, elimination of all irrational FDCs, no brands for drugs off patent, and briefer officially approved names to make it easier for doctors to prescribe generics including the rational FDCs.

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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.

Death of a soldier

The abduction and murder of Army officer Lt. Ummer Fayaz by suspected militants should serve as a "watershed moment" in the history of the Kashmir Valley ("Army officer on leave abducted, killed in Shopian," May 11). The officer was neither posted in Kashmir nor had participated in any anti-terror operation but had gone there to attend a wedding. In this movement of grief, the nation stands in solidarity with the bereaved family,

RAMESH G. JETHWANI, Bengaluru

It is undoubtedly clear that this dastardly act has been perpetrated by the Pakistan-backed militants. It also reflects that these terrorists continue to monitor proceedings in the Valley. The level of their insanity is such that they don't even hesitate to kill a person who is from their State. The time has come for the Central government to move ahead and deal with our

neighbour with an iron hand.

SHATAFU SAHAL, Unnao, Uttar Pradesh

ICJ route

With diplomatic efforts to make Pakistan see reason not succeeding and the international community failing to put pressure on the country, India naturally had no option but to approach the International Court of Justice (ICJ) ("Recourse to ICJ carefully considered," May 11). However, the ICJ order is non-binding and there is always a strong possibility that India's move to approach the court will lead to Pakistan mimicking this strategy and attempting to internationalise the Kashmir issue.

K.S. JAYATHEERTHA, Bengaluru

Recalcitrant judge

The gag orders issued by the Supreme Court to the media not to publish anything said by Justice Karman exposes the woefully inadequate disciplinary and

administrative powers in the hands of the Chief Justice of India (CJI) to act against other judges. Perhaps those who framed the Constitution did not foresee such a scenario. Justice Karman, fully aware of the inadequacy of such rules and procedures, resorted to his own pronouncements, bringing down the reputation of the judiciary. The Constitution Bench headed by CJI, which handed down the order on Justice Karman, has been cautious in dealing with the case. However, there is now a necessity for empowering the CJI with greater administrative and disciplinary powers to act against other judges. Impeachment, a lengthy and complex procedure to remove a judge, should only be a last resort.

SURYANARAYANAN S., Chennai

Armenian genocide

Tayyip Erdogan and his ruling party AKP representing the interests of an emerging

middle class, which finds its moral righteousness in Islam and builds its legitimacy on erstwhile impressive economic achievements. The last factor forced Mr. Erdogan to keep the focus on the economic agenda during his India visit.

Being a regional player in West Asia, Turkey is undoubtedly on the geopolitical radar of India. However, since losing the role of a bulwark against the former Soviet Union, Turkey has won some influence in the Muslim world by asserting Ankara's independence from the West. And as a result, Turkish aspirations to be a major regional power have caused serious difficulties of balancing Mr. Erdogan's role within NATO. Armenia's accusation of massacre of Armenians during World War I is not unilateral. Despite Turkey's aggressive policy of denial, the fact of the Armenian genocide by the Ottoman government has been documented, recognised,

and affirmed in the form of laws, resolutions, and statements by many states and international organisations. As of 2017, governments and parliaments of 29 countries, including Brazil, Canada, France, Germany and Russia, as well as 45 states out of 50 of the United States, have recognised the tragedy as a genocide. The arrival of the Vice President of India in Yerevan on April 24, Armenian Genocide Remembrance Day, and his visit to Armenian Genocide Memorial as a first order of

business on the very next day, was by no means a coincidence. Vice President Ansari reiterated the position of his predecessor Bhairon Singh Shekhawat, who also attended the Memorial in 2005. Armenians around the world are grateful to Mr. Ansari for honouring the memory of 1.5 million victims of the Genocide.

ARMEN MARTIROSYAN, AMBASSADOR, REPUBLIC OF ARMENIA, New Delhi

MORE LETTERS ONLINE: www.hindu.com/opinion/letters/

CORRECTIONS & CLARIFICATIONS:

>>The last paragraph of the report, "Court issues warrant against Sudhakaran" (May 11, 2017, some editions), read: "Taking up another case filed against AIADMK (PTA) leader T.T.V. Dhinakaran, the ACMM expressed..." It should have been AIADMK (A).

>>Misspelling: In the front-page report headlined "Emmanuel Macron to be France's youngest President" (May 8, 2017), there was a reference to a company name – Sopra Steria. It should have been Sopra Steria.

It is the policy of The Hindu to correct significant errors as soon as possible. Please specify the edition (place of publication), date and page. The Readers' Editor's office can be contacted by Telephone: +91-44-28418297/28576300 (11 a.m. to 5 p.m., Monday to Friday); Fax: +91-44-28552963; E-mail: readerseditor@thehindu.co.in; Mail: Readers' Editor, The Hindu, Kasturji Buildings, 859 & 860 Anna Salai, Chennai 600 002, India. All communication must carry the full postal address and telephone number. No personal visits. The Terms of Reference for the Readers' Editor are on www.thehindu.com

LEFT, RIGHT, CENTRE

Should we do away with Capital Punishment?



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Crimes are as much about social failure as individual responsibility. Justice must be tempered by this reality



LEFT At its very core, the argument against death penalty comes down to the manner in which we understand crime and those who commit crimes. Do we view crime purely as actions of "inherently bad" people, i.e. attribute responsibility exclusively to the individual (and nothing else)?

Socialisation as a factor
It is impossible to view crime as something that only "inherently bad" people do and the view that the task of criminal law is to take away "inherently bad" people from

our midst is untenable. The cliché that we are all products of our circumstances has much to offer here. This is not to suggest the absolute lack of individual agency in the things we do but rather to argue that the reasons why we do the things we do is influenced by a lot more than just individual will. In that context, a four-year-old being raped and murdered, or raping and mercilessly killing members of a caste or religious group because of visceral hatred are all events that challenge our humanity. As a society, can we look at murderers, rapists, paedophiles, geno-

cidaires and ask ourselves the tough question of how they got there?

The point is that there is a process of socialisation that contributes to an individual's thinking that he can rape a woman, insert a rod into her and leave her on the street to die or that he can have such intense hatred for people of other communities that they should be stripped, paraded, raped and murdered.

Our demands for justice have to be tempered by this reality. Society then cannot demand to take the life of an individual when it has contributed to that process and outcome. Crimes are as much about



social failure as they are about individual responsibility. Arguments on deterrence assume that crimes are individual problems, imagined and carried out by reasons of pure individual will. It assumes that fear will trump the massive influence of everything else in our lives.

Disproportionate impact
This is certainly not to argue that all persons with similar socialisation processes will do the same thing. That is precisely the reason for not deciding questions of sentencing only on the basis of crime categories. The burden of the death pen-

alty has a disparate impact on the most marginalised and poorest sections of society. Our criminal justice system is in severe crisis given the rampant use of torture in investigations, a broken legal aid system and alienating trial processes. It is incapable of administering the death penalty in a fair manner and that is evidenced by the fact that over 30% of death sentences handed out by trial courts result in acquittals (not commutations) in the appellate process.

The state cannot seek to take life because it has an equal commitment to everyone within its fold. When a crime is committed, the perpetrator is not the only one breaking the social contract. Obviously the state has failed to protect

the victim and society but at the same time it has also failed the perpetrator in equal measure albeit in a different way. At the risk of repetition, it is not to suggest that the perpetrator has no individual responsibility but that we must also recognise the failure of society and state.

As a society we find ourselves in a strange bind – on the one hand seeking more violent and harsher punishments for certain crimes and at the same time struggling with rampant impunity for certain others. Justice is not served in either situation. To tweak Martin Luther King's words, the arc of the moral universe must bend towards a more empathetic version of justice rather than a retributive one.



DUSHYANT DAVE
is a senior advocate in the Supreme Court

The crimes we are now witnessing cannot be addressed by simple punishments. We need drastic action



RIGHT I am all for Capital Punishment because we have become a lawless society. The crimes we are now witnessing cannot be addressed by simple punishments. We are seeing horrific attacks on women, young girls, and boys who are raped and sodomised. People from the minority communities are being targeted and lynched in a barbaric manner by mobs.

The attacks on Dalits continue 70 years after India's independence. These are the vulnerable sections of our society that continue to be tar-

geted. The punishment meted out to them should serve as examples of deterrence for others.

No recourse
Unless you impose a rigorous penalty like death which is the severest of them all, I don't see a solution to the problems we face. What we are also encountering is a peculiar problem where law enforcement agencies are not working for ordinary citizens. They are at the service of VIPs and simply removing red beacons from cars will not take away the privileges enjoyed by the VIPs. Roughly, over 1,50,000 per-

sonal security officers are guarding the VIPs. How do you protect the common man?

Let me illustrate with an example. Picture a small family with two children, a son and a daughter and suddenly, the daughter faces harassment from local goons which slowly escalates to serious offence leading to grievous sexual assault of the young girl.

Extremist forces
The parents have no recourse as prevention of crime is non-existent in our society. If the father complains, his complaint is barely registered in record books.



This scene plays out virtually everywhere in India – from small mohallas to villages to every nook and corner. How many death penalties have been imposed in our country compared to the staggering numbers of women being raped and murdered?

Unless you take drastic action, especially in the case of rape, murder and terror attacks, the situation will not improve. The attacks on our security personnel are increasing due to different extremist forces. Such killings must be visited with Capital Punishment.

Perhaps, this may be alternative to removal of the Armed Forces

(Special Powers) Act in troubled States. Besides, the argument against Capital Punishment is not really tested. How can the state compensate for the mindless killing of innocent people?

What do you do as a society when it is impossible to reform criminals? What do you do to prevent the recurrence of heinous crimes against the vulnerable sections? All such acts call for a serious deterrence.

Slow wheels of justice
Besides, our legal system has multiple layers of appeal from the trial court to the apex court. These layers act as a safety valve against miscarriage of justice. Comparing ourselves to the West is not right as

crime detection is a hallmark of most advanced societies. The kind of crime we are witnessing cannot be compared to the West. The Nirbhaya trial went on for five years before the Supreme Court upheld Capital Punishment for the killers of the young woman. The Ajmal Kasab trial took many years. I feel Capital Punishment must be provided for hate crimes as well which result in deaths or killings of innocent people in communal riots. The judicial system moves at snail's pace and so the criminal justice system is unable to offer protection of law.

What we need now is to focus on the victims. It is about time we had a mechanism to help victims. (as told to Anuradha Raman)



PINKY ANAND
is Additional Solicitor-General at the Supreme Court

State-sanctioned death penalty promotes fear of the law and serves as a deterrent to future offenders



CENTRE While an entire nation celebrated when the Supreme Court upheld death penalty for Nirbhaya's killers, it has once again raised the age-old question of whether we truly need Capital Punishment. There are two main arguments for Capital Punishment: first, that it acts as a deterrent; and second, it gives due justice to the aggrieved.

When I think of the former a quote by Montaigne comes to mind: "We do not aim to correct the man we hang; we correct and warn oth-

ers by him." It is my personal belief that state-sanctioned death penalty acts as a catalyst to promote the law and the fear of law which acts as a deterrent to future offenders.

Long-term impact
The crusaders against death penalty have often argued that there is no empirical data to confirm that Capital Punishments act as a deterrent, but studies have shown that even though it may not have an immediate effect, there is a long-term decrease in heinous crime. We should not ignore that the Supreme

Court has in its wisdom struck down the challenge to Capital Punishment in *Deena v. Union of India* (1983).

The Supreme Court has laid down the scope of exercise of power to award death sentence and carved the rule of "rarest of the rare cases" to justify the extreme penalty, death, in the landmark judgment of *Bachan Singh v. State of Punjab* (1980), affirming the principle of "life imprisonment" as the rule and death penalty as the exception. When the crime is diabolical in nature and shocks the collective conscience of society, any mitigation cannot sur-



vive and the crime has to be tested on the anvil of the 'rarest of the rare'. The Supreme Court has put this position forward in various matters like *Vasanta Sampat Dupare v. State of Maharashtra* (2014, 2017) and *Machhi Singh v. State of Punjab* (1983). This test was also applied in the case of *Dhananjay Chatterjee v. State of West Bengal* (1994).

Sending a strong message
My view on upholding of Capital Punishment is echoed in *Machhi Singh* where the Supreme Court in a three-judge Bench held: "The rea-

sons why the community as a whole does not endorse the humanistic approach reflected in 'death sentence-in-no-case' doctrine are not far to seek. In the first place, the very humanistic edifice is constructed on the foundation of 'reverence for life' principle. When a member of the community violates this very principle by killing another member, the society may not feel itself bound by the shackles of this doctrine...The very existence of the rule of law and the fear of being brought to book operates as a deterrent for those who have no scruples in killing others if it suits their ends. Every member of the community owes a debt to the community for this protection."

The society is in uproar today as crime is constantly on the rise. Law enforcement structures are struggling to meet the expectations of the civil society. In a rapidly anti-paternal society, our legal structures need to send a strong message to enforce the idea that punishment will be "consequential" and commensurate to the crime.

In the land of the Mahatma, it might seem as an affront to our ideals as a nation, but I often find myself asking if it was a bigger affront to have a 23-year-old raped and brutalised by six men who would then get to enjoy the privileges of television and other perks for good behaviour while sentenced for life.

SINGLE FILE

No quick-fix solution to end plagiarism

The solution lies in a thorough reform of the education system

PARUL GUPTA
VEERANGNA KOHLI



Concerns over academic dishonesty and plagiarism have risen in the digital age. Violation of academic ethics begins in school when holiday homework is 'outsourced' for a price. Such behaviour, in academic parlance, is defined as passing off another's work as one's own – in short, plagiarism. The consent of parents in such practices lends an air of acceptability to the entire exercise and impressionable, young minds unfortunately process this behaviour as harmless, thereby continuing it in tests conducted in colleges and universities too. It is important to understand the reasons behind such behaviour and formulate remedial measures.

The proximate reasons for cheating in higher education are complicated. Young adults, overwhelmed by the unfamiliar experience of living independently in a new city, are often unable to devote time to study. Since university scores form the basis of short-listing for placements and internships, students use cheating as a quick fix in this rat race. The deeper reasons behind these proximate ones can be identified as the fear of mediocre performance in an exam and an absence of any fear of repercussions if caught. Nebulous understanding of what constitutes academic ethics and the fact that violations are often 'let off' with minor penalties add to the problem.

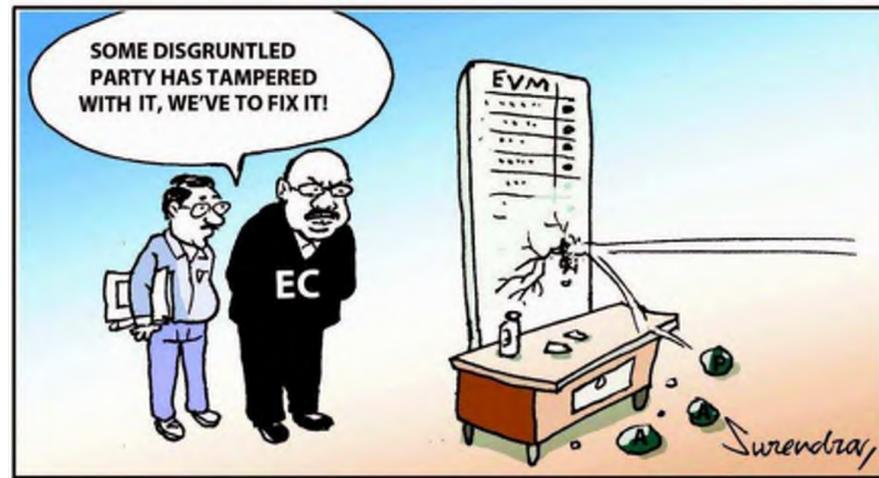
While no single solution can be the 'silver bullet' to this multi-dimensional menace, a combination of systemic changes (reforming the education system and inculcating values) and short-term steps (improving the conduct of examinations) may help in building a culture of academic integrity.

Unconventional techniques

Counselling should be provided to students and parents to encourage admissions based on interest and aptitude. In addition, curriculum design should be aligned with skill building. It should encourage critical thinking among students. Quality teaching should be incentivised and conversely, a 'no-tolerance policy' towards non-performance should be adopted. Overhauling the evaluation system by focussing more on application of knowledge and introducing 'non-traditional' assessment techniques, such as verbal tests and critical paper reviews, could contribute in reducing the need for and incidence of cheating.

It is also crucial to make students realise the gravity of violations of academic integrity. Universities across the world give enormous importance to academic ethics. In India, however, even a reputed institution such as Delhi University has no mention of ethics in either its handbook or website. This lack of sensitivity may be addressed by discussing academic ethics in college orientation programmes, along with making the students sign an 'honour code' statement wherein they submit a written declaration that they will refrain from such practices. Similar steps have been useful in reducing the incidence of ragging in colleges in India.

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CONCEPTUAL
Knowledge problem
ECONOMICS

A critique of central planning that argues that the rational allocation of scarce resources is impossible under central planning due to insufficient knowledge with the planners. Knowledge about the most urgent (or important) use of resources is usually spread across the population in an economy, so a central planning body will possess only a fraction of all the available knowledge. This leads to the suboptimal use of scarce resources, or, in other words, their wastage. The critique was made by economist Friedrich Hayek in his 1945 essay 'The Use of Knowledge in Society.'

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ACT ONE

Two cases of contempt

Like Vijay Mallya, Justice Karnan could have been extended a hearing by the Supreme Court

The Supreme Court separately found two persons guilty of contempt on May 9. One was a sitting High Court judge and the second a fugitive businessman. But while a Bench of Justices A.K. Goel and U.U. Lalit provided industrialist Vijay Mallya an opportunity to appear in person before the court on July 10 and address it on the "proposed punishment" for contempt, adduce evidence of mitigating factors and make "any other submissions", Justice C.S. Karnan, a judge of the Calcutta High Court, was not afforded this chance by the seven-judge Bench led by Chief Justice of India J.S. Khehar.

The short order recorded in Justice Karnan's case found him guilty of contempt of the Supreme Court "and of the judiciary of the gravest nature". It sentenced him to six months' imprisonment, to be "executed forthwith". Should the Supreme

Court have given Justice Karnan an opportunity to be heard on his punishment, allowed him to present mitigating factors just like it did in the case of Mr. Mallya?

Opportunity denied
The court in *M.R. Parashar v. Dr. Farooq Abdullah* case had held that "the position of a contemnor is that of an accused person". If so, Section 235 (2) of the Code of Criminal Procedure (CrPC) mandates that a judge shall hear the accused on the question of his punishment.

Though the Supreme Court as a court of record may not be bound by the provisions of the CrPC, it may have extended the same opportunity it did for Mr. Mallya to Justice Karnan. Attorney-General Mukul Rohatgi has argued that Justice Karnan's past conduct amounted to contempt on the face of it. Justice Karnan had ap-

peared only once in person before the seven-judge Bench. However, after finding him guilty of contempt, could the court have heard him on the quantum of sentence?

The May 9 order is not reasoned. The court said a "detailed order" would follow though his sentence was directed to be executed forthwith. Ideally, Justice Karnan may have been given an opportunity to argue on his sentence after receiving the detailed order.

Again, Justice Karnan was not legally represented in the contempt proceedings. That made it pertinent for the court to have fixed a date and afforded him a fair opportunity to be heard. If Justice Karnan chose not to be present to argue his case in person or through a lawyer of his choice on that date, the Bench could have appointed an amicus curiae to address the court on his behalf.

FROM THE HINDU ARCHIVES

FIFTY YEARS AGO MAY 12, 1967

U.K. seeks E.C.M. membership

The great "Common Market" debate in the House of Commons ended last night [May 10] with the expected huge majority for the Government, warmly endorsing Premier Wilson's move to take Britain into the European Economic Community. The three day debate produced a comprehensive exchange of pros and cons but it still leaves many questions unanswered, and among M.P.s. as a whole, for all their enthusiasm, there is a feeling that the nation is launching out on an adventure without seeing too clearly where it is going to lead. These is no denying however that there was massive support for it on all sides, with the Government getting the second biggest Commons majority on a major issue since the war. When Mr. Harold Macmillan came forward with a similar proposal, the Labour Party was against him, but this time Labourites, Tories and Liberals were all united, with the exception of some 63 M.P.s. who abstained for one reason or other, and another 62 who defied a three-line whip to affirm the depth of their convictions in the matter.

A HUNDRED YEARS AGO MAY 12, 1917

Mr. Gandhi's mission

The conference between the Hon'ble Mr. Maude, Member of the local Council, and Mr. Gandhi is reported to be the result of a deputation of Planters Association waiting on the Government at Ranchi last week. It is reported that the deputation urged before the Government that the inquiry which is being carried on now has created great stir and agitation amongst the ryots and asked that either this inquiry should be stopped or in the alternative the Government should appoint a commission including representatives of planters and ryots to hold a public inquiry. The Muzafferpore branch of the European Defence Association have also through their parent body in Calcutta submitted a representation to the Government of India on the subject.

DATA POINT

A steep dip

Remittances to India declined by nearly 9% in 2016, to \$62.7 billion, but it continued to be the largest remittance-receiving country worldwide. Low oil prices and weak economic growth in the Gulf Cooperation Council (GCC) countries are cited as major reasons.

