



End the violence

And take steps to empower the Gorkhaland Territorial Administration

Longstanding issues such as the demand for a separate state of Gorkhaland in the Darjeeling Hills of West Bengal cannot be wished away with a magic wand. State Chief Minister Mamata Banerjee appears to think otherwise, as if charisma, short-term political tactics, and tokenism are enough. Ms. Banerjee had claimed to have solved the Gorkhaland issue after agreeing to the semi-autonomous Gorkhaland Territorial Administration in 2011, following a series of agitations by the Gorkha Janmukti Morcha. In the years since its establishment, little has been done on the ground to transfer many of the subjects to the body as was promised, rendering the notion of autonomous rule in the Hills rather moot. The hold of the GJM in the Hills was sought to be broken by reaching out to indigenous communities in the region through the creation of various tribal development boards. The GJM, on the other hand, believes that the GTA is just a stepping stone for the creation of a separate State. Legitimate grievances with the West Bengal government on transfer of powers to the GTA aside, the GJM, which has ruled the Authority, too has been guilty of lackadaisical administration. The party also mirrors Ms. Banerjee's Trinamool Congress in Machiavellian tactics, such as dovetailing with the Bharatiya Janata Party in parliamentary elections alone so as to secure support for the statehood demand. The ad hocism and tokenism shown by these two political parties in West Bengal are responsible for the renewed violence in the Darjeeling Hills. For its part, the BJP is caught in a bind – it seems to be sympathetic to the statehood demand, allied as it is to the GJM in the Hills, but is afraid to articulate it openly as it has ambitions in the rest of the State.

The proximate cause for the flare-up in the Hills was the State government's announcement that Bengali should be compulsorily taught in all schools in West Bengal till Class X. Earlier this month the government had also held a cabinet meeting in the Hills after many years, drawing a sharp response from the GJM and other separatist political forces that saw this as a ploy to undermine the GTA's authority. Ms. Banerjee later clarified that Bengali was optional in the hill district, but this was not enough to assuage sentiments as the GJM sought to use this point to ramp up agitations. The whipping up of passions in the Hills has coincided with the rise of Bengali chauvinism in the plains in the recent past. This polarisation does not portend well. The State government must reach out to the GJM and work out a way to transfer powers to the GTA as was promised in 2011. A signal in this direction will go a long way in tamping down the violent agitation. It should also abandon its wishful thinking that short cuts can solve the intractable Gorkhaland issue, which is culturally rooted.

Sunday revival

Pakistan overcame the odds and displayed glimpses of world-beating teams of the past

Pakistan's thumping 180-run victory over India in the ICC Champions Trophy final at London's Oval on Sunday shredded the form book and underscored the team's reputation for being unpredictable. Perhaps India paid the price for banking on its batting might as on winning the toss, Virat Kohli preferred to chase, which is often difficult in a high-stakes final where the scoreboard pressure can be stifling. Only once has India successfully chased a big score in a big-ticket match – Sri Lanka's 274 for six in the 2011 World Cup final in Mumbai. But back then it was Kumar Sangakkara who had won the toss and opted to take first strike. Besides overlooking history, India was unable to counter centurion Fakhar Zaman's brilliance and failed to survive against Pakistan's potent attack. Wasim Akram, one of the greatest fast bowlers, has said he sees a younger version of himself in Mohammad Amir, and on Sunday Amir emphatically lived up to the faith invested in him. He stunned the Indian batsmen and ripped apart the top order, leaving the defending champions wobbling at 33 for three in nine overs. After Amir's precise incisions, there was only one way the match was headed, as the batting wilted, yielding a total of just 158. India was outplayed on all fronts. Extras had been conceded – India gifted 25 to Pakistan's three – and the fielding lacked the passion that Sarfraz Ahmed's men displayed.

Stepping into the tournament, India had shades of Pakistan's traditional troubles, especially with rumours floating about of a cold equation between Kohli and coach Anil Kumble – usually it is Pakistan that grapples with revolts in the dressing room. In any event, the arch-rivals did well to reach the tournament's climactic end. An India-Pakistan final was the tonic that the International Cricket Council needed as viewership soared, and it backed the parent body's earlier decision of not abandoning the Champions Trophy. The latest edition also lent hope about a revival in Pakistan cricket, as the squad ranked eighth walked away with the silverware. Ever since the terror attack on the Sri Lankan team bus in Lahore in 2009, Pakistan has been unable to have its home series in Pakistan, barring the odd fixture. Venues such as Sharjah and Dubai have been the home bases for its bilateral series. The team has mostly struggled, and its last significant triumph was the 2009 ICC World Twenty20 title in London at Sri Lanka's expense. The tournament also had enabled a moment of redemption for Amir, who had once been banned for spot-fixing in 2010. Sarfraz spoke for Pakistan cricket's well-wishers when he said, "Hopefully this will boost Pakistan cricket." The absence of the West Indies, which failed to qualify for this event, was hardly noticed. Yet cricket, a sport with global ambitions but largely locked within Britain's former colonies, cannot afford to watch pedigreed outfits lose their way.

Legislation and legality

In the Aadhaar-PAN case, the Supreme Court has effectively held that policy goals override rights



SUHRITH PARTHASARATHY



GETTY IMAGES/ISTOCKPHOTO

At one point in its recently delivered judgment, in *Binoy Viswam v. Union of India*, the Supreme Court described the dispute over Section 139AA of the Income Tax Act, 1961, as falling within a category of what "Ronald Dworkin calls 'hard cases'". The petitioners before the court had argued that the provision, which makes it obligatory on individuals filing income tax returns to link their permanent account numbers (PAN) to their Aadhaar, was unconstitutional as it, among other things, infringed a number of fundamental rights.

The court, however, in declaring this case as "hard", was effectively telling us that its abilities were somehow hamstrung by the nature of the dispute, that despite the strength of the petitioners' arguments there existed principled reasons why it might be difficult for it to intervene. Unfortunately, this assertion flies in the face of American philosopher-jurist Dworkin's ideas which the court sought to invoke.

While at first blush, a quibble over this categorisation might seem a largely frivolous concern, seeing as it is made on apparently pedantic grounds, in reality the court's mistake here goes to the root of why it got its decision in *Binoy Viswam* as it did, and why it so often fails to uphold critical civil liberties when faced with acts of governmental coercion.

Dworkin's 'hard cases'

For Dworkin, "hard cases" are those disputes where "no settled rule dictates a decision either way", and where, therefore, "it might seem that a proper decision could be generated by either policy or principle." In other words, they encompass cases where there ex-

ists a particularly knotty controversy over deciding what the law really is, where an application of differing value judgments could plausibly result in contradictory identifications of the law.

To illuminate this point, in his book, *Law's Empire*, Dworkin cites *McLoughlin v. O'Brian*, a 1983 House of Lords case involving an automobile accident. Here, Ms. McLoughlin's husband and four children were injured after their car was hit by a lorry. She only heard about the accident a few hours later, and when she drove to the hospital where the rest of her family was admitted, she was told that one child had died and the others were seriously injured. Ms. McLoughlin, as a result of these revelations, suffered a nervous shock, and she later sued the lorry driver whose negligence had caused the accident.

This case, in Dworkin's belief, was "hard" because there was no existing precedent where a person was awarded damages despite being absent from the scene of the accident. To decide such a case, Dworkin said, a judge must view "law as integrity", that "propositions of law are true if they are derived from principles of justice, fairness and procedural due process, which provide the best constructive interpretation of the community's legal practice." In other words, a judge deciding such a dispute must test her interpretation by asking whether her decision could form part of a coherent theory that justifies the entire network of political structure and legal doc-

trine of their community.

The issues in *Binoy Viswam*, however, called for no such Herculean interpretive exercise. Nor did it require the court to indulge in any lawmaking. The facts were simple enough, and the court, notwithstanding its assertions to the contrary, did not have to decide on the "wisdom of the Legislature in enacting a particular law", but merely on its constitutionality. To do this, it only had to apply existing precedent to rule on whether Section 139AA violated one or the other of the fundamental rights guaranteed in Part III of the Constitution. Regrettably, the court's answers to these basic questions are patently misjudged.

Despite keeping arguments over privacy outside the scope of their submissions – given that a larger bench of the Supreme Court has been asked to rule on whether India's citizens possess a fundamental right to privacy at all – there were a number of acute arguments that were made to show the court that Section 139AA violated the rights to equality, to practise any profession, and to personal liberty of the petitioners. However, each of these arguments was dismissed almost on the singular ground that the state has a legitimate interest in making classifications to effectuate its policy decisions. This might seem like an unexceptionable proposition. But in effectively holding that the government has the power to undermine rights to achieve policy goals (an ironic conclusion given that Dworkin, who the court relies on, championed rights as

trumps) the court has accepted, sans reasons, sweeping conclusions drawn by the state.

Casting away concerns

For instance, the court altogether rejected the contention that the Income Tax Act cannot make Aadhaar compulsory when the core legislation, the Aadhaar (Targeted Delivery of Financial & Other Subsidies, Benefits & Services) Act, 2016, makes enrolment in the scheme voluntary. The court did this by accepting as gospel truth the state's arguments that the linking of Aadhaar and PAN can help eradicate the ills of tax evasion caused by a proliferation of black money. Several significant concerns highlighted by the petitioners, which showed that both biometric details and iris scans can be forged, were also swept aside without so much as a mention. As a result, the state's argument was allowed to stand, in spite of the fact that almost no rational nexus has been shown to exist between the government's purported aim of eradicating black money and the classification that Section 139AA makes in compelling individuals alone to secure a unique identity.

The court showed a similar disdain in dismissing arguments made on the arbitrariness that is inherent in Section 139AA. The reasons supplied by the petitioners on why the linking of Aadhaar and PAN is capricious were wholly ignored. For example, the judgment failed to heed to the fact that the consequences of an invalidation of a person's PAN might result in a virtual "civil death", as the senior counsel Arvind P. Datar, who represented one of the petitioners, described the provision. Instead the court invoked the proposition that a legislation cannot be struck down on grounds of arbitrariness alone. To do this, it relied on the verdict from 2015 in *Rajbala v. State of Haryana*, ignoring, in the process, a mountain of earlier precedent where arbitrary state action, including by way of legislation, has been held as antithetical to the guarantee of equality.

Now, it's plain to see that even if Parliament represents the interests of the people, any legislation made by it is a product of the proclivities of the government in power. To check whether a legislation is arbitrary or not is not to question the wisdom of the legislature, but rather to examine whether the classifications that a law makes are rational and to scrutinise whether Parliament has exercised judgment by responding to reasoned analysis as opposed to the whims of motivated interest groups. Here, the court finds no need for such an inquiry because a legislation, it holds, cannot be subject to judicial review for being purely arbitrary.

Arguments on how Section 139AA violates a person's right to practise any profession or carry on any trade under Article 19(1)(g) also met with a similar fate. And this cloud has only the thinnest of silver linings – when a Constitution Bench eventually decides on whether Aadhaar as a collective policy infringes the rights to privacy and bodily integrity (if indeed such liberties are deemed as fundamental guarantees), there remains the possibility that Section 139AA may be rendered void.

But, for now, we're left with a deeply undesirable and unsatisfactory outcome: all those who already possess an Aadhaar card must integrate it with their PAN, regardless of whether they ever imagined having to submit to such a burden at the time of securing the identity, and where any person who files an income tax return after July 1 must have, at the least, applied for a unique identity. As to how this distinction is constitutionally sustainable, the court tells us little. Ultimately, this wasn't a "hard case" to decide. But by getting its conclusions as it has, the judgment's consequences are certainly likely to prove difficult, imposing, as they do, an unreasonable burden on our essential civil liberties.

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Another summer of discontent

Why Mamata Banerjee is in a bind over how to handle the Darjeeling agitation



SUVOJIT BAGCHI

ment on Hailey Road in Delhi. Mr. Gurung, who heads the main party, the Gorkha Janmukti Morcha (GJM) in Darjeeling said, in 2009 that backing Mr. Tamang was perhaps his "wisest political move." Mr Gurung followed up Mr. Tamang's success by launching the GJM.

A repeated demand

If Prashant Tamang brought the issue of the Nepali identity and nationality back in focus in Darjeeling's politics in the last decade, it was Bengal Chief Minister Mamata Banerjee who has triggered the issue in 2017. Her government announced that Bengali would be "mandatory" in schools. Though she withdrew the "mandatory" bit, the damage was done.

However, the decision is only the effect of a cause rooted elsewhere. Between 1907 and 1987, demands for a separate Darjeeling were raised on "at least on 15 occasions", notes Tapash Mukherjee, a veteran journalist who has covered Darjeeling.

Sikkim gifted Darjeeling to the East India Company in 1835 and Ghisingh referred to this transfer of land when he demanded the detachment of Darjeeling. The stand of the GJM on Gorkhaland remains



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"largely unchanged in 2017", says the key ideologue of the GJM, Amar Singh Rai, in a recent interview to *The Hindu*. However, many have questioned Ghisingh's position over the years.

But the demand to treat Darjeeling as a "separate unit" has often returned. Historian Subhas Ranjan Chakraborty, who has stayed and worked in Darjeeling for many years, noted that in 1907 "on behalf of the hill people" of Darjeeling, "a separate administrative unit" was demanded. In 1930, a representation to Sir Samuel Hoare, Secretary of State for India, said that "Darjeeling ... should be excluded from Bengal." So, some say that the argument that imposing Bengali acted as a trigger in 2017 may be too

severe, as something or the other has kept the homeland movement alive.

Simmering within

In Darjeeling, many civil society representatives have argued that the 2017 movement was "simmering inside". It was an anti-GJM movement but not for the reasons as perceived by the government. The Trinamool Congress (TMC) argued that the GJM was losing the people's mandate on account of mismanagement of funds.

In his blog, TMC MP Derek O'Brien has argued that the GJM-run Gorkhaland Territorial Administration (GTA) "received" ₹1,500 crore from the State and the Central governments in the last five years but refused to file the accounts. As the TMC asked for a "special audit", it "rattled" the GJM, the MP said. Moreover, he said that the developmental projects of Ms. Banerjee had resulted in the TMC's victory in recent civic polls which "stunned" the GJM. The TMC is "widely expected to do well" in the forthcoming GTA elections as the Chief Minister's presence has created a "buzz" in Darjeeling and the TMC is committed to work hard, Mr. O'Brien added. However, the question in Darjeel-

ing is not about how committed the TMC is, but why?

Once again, civil society argues that creating a "buzz" – from community board formation to targeting GJM leaders using unparliamentary language – was an attempt to squash the Nepali identity question. Many within the GJM have argued that the party was "reprimanded" in the civic polls – not necessarily for corruption – but for settling for too little autonomy by signing the GTA agreement, 2011. The call for development – and the "buzz" – is thus seen to be an attempt to dilute the Gorkhaland issue.

Bimal Gurung realised that this "simmering" angst could have led to him being replaced had the GJM not relaunched the Gorkhaland movement. He needed an issue and this was when the issue of the imposition of Bengali cropped up. However, the question is this: how will Ms. Banerjee deal with the situation, given that most Bengalis are against the division of the State? Thus for Ms. Banerjee, there is little option but to quell it. Whether she does it with diplomacy or coercion remains to be seen.

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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.

Not journalism

I am with the Readers' Editor, A.S. Panneerselvan, when he says that "sting journalism is not investigative journalism" (June 19). There is an ethical difference between filming a real event as proof of a certain incident and laying a trap for a target by creating an imaginary scenario. Even in the former, what is seen captured on camera may not be the entire story. It has to be supported by other information. In essence, a sting operator plays the role of a mole to entice the target. This is not journalism at all. Sting journalism and paid news have marked a decline in the credibility and integrity of the media. Our media reached its zenith in the 1980s-1990s mainly due to the painstaking work of journalists those days; this was a change from the descriptive reporting in the post-Independence phase. The craze for TRPs in the

electronic media and the temptation to enhance circulation by indulging in sensationalism have to be checked.

Y.G. CHOUKSEY,
Pune

At the Oval and beyond

Congratulations to Pakistan on its emphatic win against India in the Champions Trophy at the Oval. The match, which saw fortunes fluctuate, was vintage stuff at its best ("Sport" – "Inspired Pakistan gives India a hiding", June 19). The bonhomie and sportsmanship displayed by the players of both teams were refreshing. India and Pakistan should play more cricket in future as it will go a long way in furthering the cause of both sports and bilateral ties.

NAGARAJAMANI M.V.,
Hyderabad

■ The much awaited Champions Trophy has come to an end. Thwarting all calculations and

predictions of cricket pundits, India was drubbed in the final by its arch-rival Pakistan, which made a remarkable comeback. Simultaneously, our "forgotten hockey team" crushed Pakistan elsewhere in London on the same evening. All TV channels featured cricket while hockey was given a back seat. Even on June 19, the print media wrote prominently about cricket while pushing the hockey win down the page. Even Kidambi's victory in the Indonesia Open got only a mention while Rohan Bopanna's Grand Slam doubles win at the French Open hardly got the coverage it deserved. All this shows that cricket erodes the value of other sports. Cricket stars are filthy rich; they have no time to practise, as they are continuously engaged in various tournaments without adequate rest and practice sessions. Whatever

time they have is then spent endorsing products. In the final while we marvelled at the fighting spirit and firm grit of Pakistan's players, we saw only a bunch of meek Indian players.

P.P. VENUGOPALAN,
Kannur, Kerala

A football nursery

Sometimes sports becomes an assuaging factor for people bedevilled by the complexities of life ("Weekend Sport" – "In football heaven", April 29). The north-eastern States exemplify that creed. Despite being swamped in the miasma of poverty, underdevelopment and ethnic conflicts compounded by perpetual insurgency, north-eastern Indians have never drifted from professing their passion for football. Any tournament, whether local or a broadcast of a duel between Messi and Ronaldo, is nothing less than a Christmas Day celebration.

However, it is unfortunate that this fervour has not received the focus of the mainstream media or the support of national sport bodies. For long, football in India has been viewed as being a Kerala, Goa or Bengal-centric affair. The recent achievements of Lajong FC or the Northeast United FC and now the Aizawl FC in the I-League

demonstrate the potential of the Northeast to be the El Dorado of quality players. The only impediment in the quality manifestation of their inborn talent is the lack of resources to sharpen their acclaimed football skills.

BIBHUTI DAS,
New Delhi

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CORRECTIONS & CLARIFICATIONS:

A question corresponding to the GSPC (Gujarat State Petroleum Corporation) deal got left out in a "Business" page interview with the chairman of energy major ONGC. Mr. Dinesh Kumar Sarraf (June 19, 2017). The question was: *How do you justify the acquisition of KG basin block of GSPC for \$1.2 billion? The acquisition of Imperial Energy by ONGC for similar value was questioned and the company had to write down the value of its investments.*

The dateline corresponding to "At Allahabad" – published under "A hundred years ago" (From The Hindu Archives, June 19, 2017) – was erroneously given as June 19, 2017 instead of June 19, 1917.

A front-page report headlined "Monsoon to be delayed over Central India" (June 19, 2017, some editions) erroneously gave the expansion of LPA as *low pressure area*. It should have been *long period average*.

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 (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

An unpredictable voyage

The Prime Minister will be walking on thin ice when he visits the White House



T.P. SREENIVASAN

Prime Minister Narendra Modi will be on the most hazardous journey of his political-diplomatic life towards the end of June for his maiden encounter with U.S. President Donald Trump. Not only is Mr. Modi's greatest achievement, the new heights India-U.S. relations had scaled in 2016, in jeopardy but also the White House itself is in turmoil with former FBI director James Comey's testimony before the Senate Intelligence Committee and the Senate's invitation to Mr. Trump to testify. The results of Mr. Modi's visit could be as unpredictable as the personality of Mr. Trump, regardless of the charm offensive that the Prime Minister is capable of.

India had identified several streaks in the personality of Mr. Trump, even in the days of the election campaign, which held out a glimmer of hope for better bilateral relations. Foremost among them was an indication that he would follow a policy of containment against China, in contrast to his predecessor Barack Obama's policy of calibrated cooperation. Mr. Trump had called China a currency manipulator that had to be countered in the interests of the U.S. economy. But the moment the North Korea crisis became critical, he embraced China.

Targeting terror

Another straw in the wind was Mr. Trump's extreme antagonism towards the Islamic world, which found expression in the travel ban against designated countries. The stated reason for the ban was terrorism, but the worst exporters of terrorism, like Pakistan, were excluded. Later, Mr. Trump surprised everyone by making his first visit abroad to Saudi Arabia, where he gave many other Muslim-majority countries a sermon on terrorism without uttering a word of criticism on Riyadh's human rights record. Further, another tranche of reimbursement was made to Pakistan for fighting terror in Afghanistan. Mr. Modi's concerns over cross-border terrorism are not likely to get a sympathetic hearing in Washington.

Mr. Trump's business interests in



No stranger to DC: PM Narendra Modi at the White House in 2014. •PTI

India were another reason for optimism. But his 'America first' approach may well contradict Mr. Modi's 'Make in India' and 'Digital India' initiatives. Even co-designing and co-production of defence equipment, which formed the basis of the new symphony in India-U.S. relations, may not stand Mr. Trump's scrutiny by his own standards of what is considered to be in the U.S.'s interests.

The litmus test of Mr. Trump's goodwill towards India was to be his policy on the information technology (IT) industry, but it has failed because of the restrictions he has imposed on H-1B visas. Replacing Indian IT professionals with American ones will only hurt the U.S.'s business interests. In any case, it will take six to seven years for the U.S. to replace all Indians. This may be on the top of Mr. Modi's agenda and a setback on this issue may sour bilateral relations.

A reason for India's likely disillusionment on these issues is that Mr. Modi is expected to seek a reinstatement of Mr. Obama's architecture on India-U.S. relations, an edifice Mr. Trump is determined to demolish. He did not spare India even while disowning the Paris Agreement on climate change as he said that one reason for his decision was that India was demanding "billions and billions" of dollars to implement the pact. The remarks were unwarranted as India has always been sens-

itive to the views of developed countries during climate negotiations.

Offering an arms deal

The real test for Mr. Modi lies in whether he has anything in his bag to offer Mr. Trump to overcome these hurdles. His penchant for personal chemistry may be counterproductive with Mr. Trump. The experiences of Japanese Prime Minister Shinzo Abe and French President Emmanuel Macron in shaking hands with Mr. Trump have been disastrous.

One way to handle the visit is to steer the discussion towards matters of primary interest to Mr. Trump. His visit to Saudi Arabia has shown that huge arms sales agreements are his weakness. Though we may not be able to match the Saudi figures, purchase of arms may help even if it contradicts our efforts to escape our reputation as the biggest importer of weapons. Mr. Modi will do well to collect the shopping lists of our service chiefs before boarding his flight. Since creating jobs in the U.S. is Mr. Trump's first priority, a few good orders for U.S.-made weapons may gladden his heart.

By the same token, Mr. Modi could look at the nuclear trade with the U.S., though he has embarked on an indigenous programme and also signed up for the next stage in Kudankulam with Russian President Vladimir Putin. Westinghouse has gone bankrupt and cannot build the

six reactors we had contracted for with Mr. Obama. The solution to the liability law issue proposed by Mr. Modi, which earned him the reputation of a man of action, has not taken off at all. Of course, Mr. Trump's views on nuclear trade with India are not known, even though the nuclear deal was the handiwork of fellow Republican George W. Bush.

Trump's climate-change denial

On climate change, Mr. Modi had a very good chance to be on the same side as Mr. Trump if India had supported a renegotiation of the Paris Agreement. It is no secret that Mr. Modi was not fully satisfied with the Paris Accord and had contemplated not ratifying it unless India got membership of the Nuclear Suppliers Group. The argument was that India would not be able to reduce greenhouse gas emissions unless it enhances its nuclear power generation. But Mr. Modi later vowed his allegiance to the Paris Agreement. An ambiguous line on Paris may have been to our advantage.

With the liabilities outweighing the assets that he is carrying to Washington and the unconventional diplomacy of Mr. Trump, Mr. Modi will be walking on thin ice in the Oval Office.

The first time he entered the Oval Office, its then occupant had begun by congratulating Mr. Modi on the welcome he had earlier received from the Indian community in the Madison Square Garden. Perhaps, Shalabh Kumar and his Hindu constituency may organise a matching performance to impress the current occupant. But for the inward-looking Mr. Trump, who has shown indifference to the North Atlantic Treaty Organization (NATO) and hostility towards the Paris Agreement and other international commitments, a massive gathering of Indian immigrants may well be a provocation.

India should wish its Prime Minister well in his most difficult voyage. At this moment of a thorough re-shaping of international relations, conflicting trends in recent elections in France and the U.K. and a decline of the post-Second World War dispensation, India simply cannot afford to lose out. Together with German and Chinese, a mixture of Indian English and Hindi must also prevail on the international stage.

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Lessons for investigating terror

We have been systematically diluting the capacity and skills of the local police forces



R.K. RAGHAVAN

As one who was associated with the Bombay blasts trial for about two years (1999-2001), the latest conviction of six of the accused, including Abu Salem, gives me enormous satisfaction. This court order forms part of the second stage of the trial; in the first stage, the special TADA court designated for the purpose had in September 2006 convicted as many as 100 accused. Much more gratified must be the unfortunate relatives and friends of the 257 people who perished in the savage attack on March 12, 1993 that brought the great city to its knees.

My regret is that there is only a modest public understanding of the complexity of combating and investigating terrorism. The Batla House controversy of 2008 in Delhi is an example to mention for sheer politicisation of terror matters and putting dedicated policemen in a state of discomfiture and danger.

From investigation to trial

There are several misconceptions about what an investigation like the one into the Bombay blasts could achieve. The establishment, both past and present, is often accused of a failure to secure all the accused and get those available convicted by the court. The inability to bring the architect of the 1993 conspiracy, Dawood Ibrahim, to India to face trial has in particular been outrageously assailed as an index of the incompetence of our agencies. This is unfair, to say the least. Despite nearly foolproof evidence that he is being protected by the Pakistani authorities, my perception is that no amount of security cover can permanently shield such a fugitive from justice.

Looking back 16 years, the most important image in my mind is of a member of the judiciary who was scared to take up the case to conduct a day-to-day trial. He had to be assured of an incredible scale of security before agreeing. It is an entirely different matter that later on he rose to the occasion to dispense justice that is now hailed in many quarters. He also went on to adorn the Bombay High Court.

The public should know that it is not the investigator alone who needs to have the guts to unravel all the facts. The judiciary should also be enabled to build a corps of

fearless judges who are not only knowledgeable about the intricacies of contemporary terrorism but also have the courage to steer the proceedings during a trial.

Inquiries into the 12 explosions in various parts of Bombay in March 1993 were first handled by the city police before being transferred to the Central Bureau of Investigation to facilitate an investigation that had assumed pronounced international dimensions, with the escape from the country of one of the principal conspirators, Tiger Memon, and other prominent accused like Dawood Ibrahim already abroad.

The Bombay Police did an outstanding job in first identifying many of the large number of the accused and later bringing them before the special TADA court. They further produced enough credible evidence to persuade the court to frame charges against most of them.

The common impression that units of a State police are hardly equipped to handle investigations of such epic proportions was for once proved wrong by the remarkable groundwork done by the Bombay Police. The investigations into the November 26, 2008 attacks were again clinical, proving once again that in post-Independence India, despite the valuable resources and talent that are available in the States, we have been systematically diluting the capacity and skills of the local police forces. The political leadership is the main culprit for this disarming phenomenon. Equally blameworthy is the police leadership, which had over the years meekly abdicated professionalism on the sometimes dubious plea of political interference. The National Investigation Agency, set up in December 2008, has somewhat filled in the gap in terror investigation skills between State and Central agencies.

Recent attacks in Europe, especially in the U.K., have convinced us that no amount of deterrence can foil adventurism on the streets. But merely beefing up numbers of policemen is of no avail. What is even more crucial is the need to constantly sharpen police reflexes vis-à-vis responding to an act of terror. The eight-minute reaction time displayed by the Metropolitan Police during the London Bridge attack deserves to be studied in detail and emulated.

Governments and police forces have their roles cut out. But what about the citizenry? Is it not the responsibility of the private sector and volunteer groups to prepare for the worst-case scenario without waiting for an actual disaster to occur?

R.K. Raghavan is a former CBI Director

SINGLE FILE

Origins of us

How humanity just got tens of thousands of years older

JACOB KOSHY



PHOTO: DORIS

Man's unrelenting quest to chart out the precise pattern of his ancestry got a lightning jolt of excitement this month. Fossil hunters have dated a tranche of jaw, tooth and skulls (in picture), unearthed at different periods since the 1960s, from a cave in Jebel Irhoud, Morocco. These have been proffered as proof of the oldest known humans. The pair of research papers reported in *Nature* suggests that science may have grossly underestimated the age of humanity. Until last month, the consensus was that humans were about 2,00,000 years old. This discovery pushes the history of human evolution back to at least 3,00,000 years.

There are multiple reasons why this is significant. One, it shows the extremely inventive methods that archaeologists and paleo-anthropologists tap to date human history. Here they used electron spin resonance dating that tells you how long a sample – in this case the enamel from the teeth – had been exposed to the radiation from the surrounding sediment in which it was buried. The age was computed by measuring the atoms with unpaired electrons (free radicals) which were created by the ambient radiation. The other technique employed was thermo-luminescence. Accompanying the bones were flints that were probably used to make fire. When heated, electrons are released from those rocks and over time solar radiation replenishes those electrons. In a lab, such stones are heated again and – based on the number of electrons – scientists can figure out how long ago those stones were first fired.

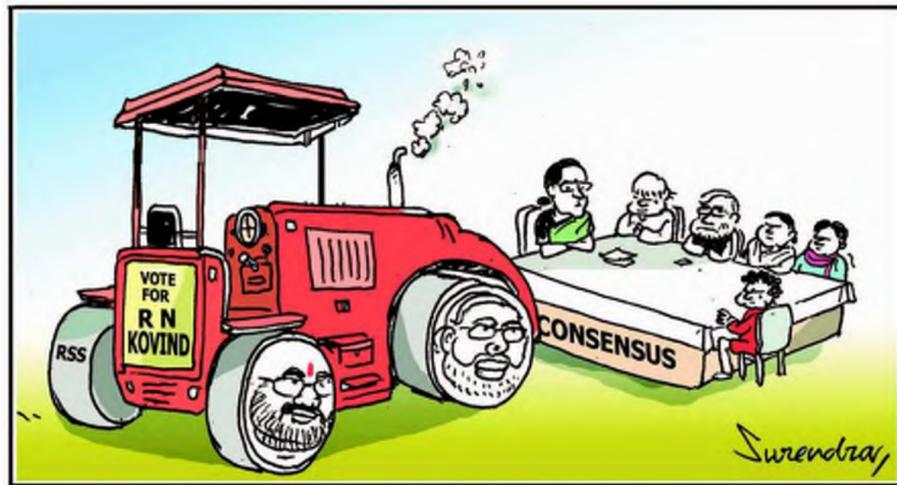
In 2010, scientists extracted DNA from Neanderthal bones and were able to sequence the entire genome of that species, which is considered our most mysterious cousin. From this we know that 2-4% of DNA in Europeans and Asians is of Neanderthal provenance and that there was a far deeper connect between the two species than was previously assumed.

Discovery in western Africa

Another aspect of the Jebel Irhoud find was the location: Morocco. In the last four decades, fossil finds in the East African Rift Valley, such as the bipedal ape Lucy, human precursors *Homo habilis* and *Homo erectus*, had veered scientific opinion to the east of Africa being the 'cradle of mankind'. However South Africa, with recent discoveries of pre-humans such as *Homo naledi* and million-year-old ancestors of hominids, such as *Australopithecus sediba*, has persistently laid claim to be the cradle of mankind. Now with Morocco, there's an entirely new west side story that has cropped up.

Archaeologists have usually sought to mark out the descent of man through traits such as bipedalism, tool making, brain volume and existence of social structure in ancestral species. However, many of these traits are now seen to be far more widely distributed in the animal kingdom in beings that are not even remotely linked to the human lineage.

The acuity of electron-spin measurements, thermoluminescence and DNA extraction methods will only blunt the sharp distinctions that *Homo sapiens sapiens* has created to distinguish itself from its siblings. Humanity, it is increasingly clear, is easier to define than humans.



CONCEPTUAL Lewis turning point

ECONOMICS

The point when the supply of surplus labour from rural areas, for employment in cities, is exhausted. It is named after Caribbean economist William Arthur Lewis, who proposed the idea in 1954. Consequently, Lewis also won the Nobel Prize in 1979. All countries witness the Lewis turning point in the course of their transition from agrarian to industrial economies. The movement of labour towards cities comes to a halt when, as a result of the continued drainage of labour from rural areas, wages in rural areas rise above those in the cities.

MORE ON THE WEB

Video: London mosque attack
<http://bit.ly/LondonMosque>

ABSTRACT

The economic legacy of empires

A paper reports a strong link between the share of Europeans in colonies and the latter's present income

PRASHANTH PERUMAL Countries colonised by Europe's imperial powers had vastly divergent economic fates after the end of colonial rule. Some prospered into extraordinarily rich economies, while others made very little progress. Could such economic divergence be due to differences in the kind of influence that colonial rulers had on the colonies? Some researchers have speculated that the quality of institutions set up by the imperial powers may have dictated the long-run economic growth of the colonies.

Quality of institutions Daron Acemoglu and James A. Robinson, for instance, in their famous 2012 book *Why Nations Fail*, argued that local conditions influenced the nature of institutions set up by Europeans. If the colonies were well-suited for their settlement, the

Europeans created institutions that promoted long-term economic development. On the other hand, when they had little reason to settle in a region, the Europeans set up institutions that were suited only for the quick plunder of resources. "The European Origins of Economic Development," a 2016 paper by American economists William Easterly and Ross Levine, sheds more light on the link between European settlements and economic growth. Easterly and Levine find that there is a strong positive correlation between the share of Europeans in the total colonial population and the per capita income of the colonies today.

Once again, this suggests that the regions that Europeans found most hospitable, and thus settled in, may have ended up with better institutions. The authors also

find that the share of Europeans in the colonial population is more strongly correlated with economic development, than the share of European descendants in the colony's population today.

Thus, the quality of institutions, rather than the quality of human capital supplied by Europeans, may better explain the present economic fate of the colonies.

There is an assumption here that Europeans had significant influence over the quality of institutions in their colonies. Otherwise, these findings can be used as effectively to support other arguments. The most obvious one being: it was the quality of colonial institutions that influenced the decisions of European powers, either to settle and prosper in a region for the long run or simply plunder and leave quickly.

FROM THE HINDU ARCHIVES

FIFTY YEARS AGO JUNE 20, 1967

Reciprocal curbs on Chinese embassy

The Government of India to-day [June 19] imposed on the Chinese Embassy in the capital restrictions similar to those imposed on the Indian Embassy in Peking. These restrictions came into force from 6 p.m. The Defence Minister, Mr. Swaran Singh, who is temporarily in charge of the External Affairs Ministry in the absence of Mr. Chagla, announced in the Lok Sabha the Government's decision in response to persistent questioning by Congressmen as well as Opposition members. He also said in a statement earlier that the Government was not considering severance of diplomatic relations with China at the moment.

A HUNDRED YEARS AGO JUNE 20, 1917

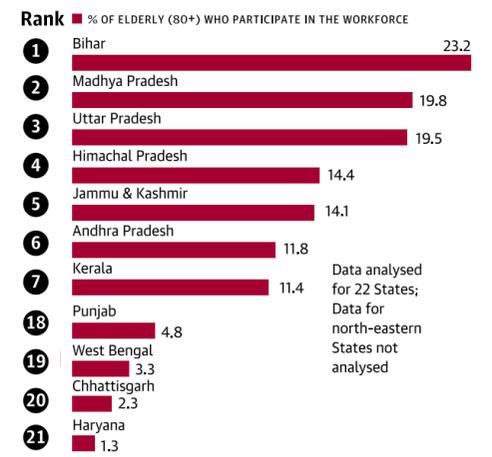
Swadeshi vow taken.

A very largely attended public meeting, the like of which had not been held here [Trivandrum] within recent years, was held at the local Victoria Jubilee Town Hall, last evening [June 18], under the presidency of Mr. K.P. Raman Menon, B.A., B.L., to protest against the internment of Mrs. Annie Besant and Messrs. G.S. Arundale and B.P. Wadia. The hall had been packed to its utmost, and many had to seek accommodation in the verandhas on either side. There were Muslims, Hindus, Christians and others, such a gathering having not been witnessed before. Mr. Raman Menon in a strong speech explained the terms Home Rule and self-Government and referred to their claim for self-Government. In conclusion, he thought that, perhaps, one of the faults on the part of Mrs. Besant, which deserved internment was that she induced many young men to join the Indian Defence force.

DATA POINT

Aged but not out

In India, about 10% of the population above 80 years of age is still engaged in work. A substantial section of it is in Bihar, Madhya Pradesh and Uttar Pradesh



SOURCE: INDIA AGEING REPORT 2017, UNFPA