

A thought for today

The oil can is mightier than the sword

EVERETT DIRKSEN, US politician

Losing Charm

As Gulf jobs and remittances decline, government must attract investments from the region

The Gulf countries have long been an important destination for Indian job seekers. That around 72% of the worldwide Indian diaspora lives in the six Gulf Cooperation Council nations exemplifies this economic connection. However, according to latest statistics, the number of Indian workers emigrating to the Gulf has actually dropped from 7,75,845 in 2014 to 5,07,296 in 2016. The downward trend is indicative of a slowdown in Gulf economies due to weak oil prices. Correspondingly, the reduced flow of Indian workers has affected remittances from these countries. In fact, overall remittances as recorded in India's balance of payments fell from \$69,819 million in 2014-15 to \$65,592 million in 2015-16.

This situation with respect to Gulf nations is likely to hold for the foreseeable future. Thanks to the advent of shale oil and increasing

focus on cleaner sources of fuel, oil producing nations of the Middle East have to put up with low prices for their output. It's precisely in recognition of this fact that Gulf nations are presently in the process of reorienting their economies to make them less dependent on oil. A prime example of this is Saudi Arabia's Vision 2030 that seeks to reduce wasteful subsidies, increase non-oil revenues, and employ more Saudi nationals than foreigners.

That said, such economic transitions in Gulf nations also provide opportunities for India that can offset the loss of remittances and jobs. First, New Delhi would do well to attract Gulf sovereign wealth funds for infrastructure investments in India. For example, under Vision 2030 Saudi Arabia plans to become a global investment powerhouse. Leveraging this to transform India's ports, roads and railways will provide a huge fillip to the Indian economy and create jobs here. Second, such investments can also be directed towards projects under the Make in India initiative and kick-start a genuine manufacturing revolution in India to engage the country's vast labour force.

Third, sustained low oil prices also give New Delhi the opportunity to pare its current account deficit and redirect the gains to spur economic activity. In this context, petroleum continues to be subjected to multiple layers of taxation in India, preventing the benefits of low oil prices from reaching consumers and industry. The decision to keep petroleum outside the ambit of the Goods and Services Tax makes no sense. Bringing it within the GST basket would end the culture of treating petroleum as a cash cow, reduce input costs, and ultimately aid India's industrialisation.



Arghya Sengupta

In a recent interview, when asked what his legacy would be, President Pranab Mukherjee quoted Prospero from The Tempest and said that he would "leave not a rack behind". His record in dealing with mercy petitions from convicts makes good his claim. Contrary to many of his predecessors Mukherjee disposed of 34 petitions, rejecting 30 of them and leaving none pending for his successor. Ironically, by literally leaving nothing behind, he leaves a clear legacy for future presidents to follow - reject mercy petitions in principle as an anachronism that has no place in the Constitution of a democratic republic.

The power of pardon, a prerogative power exercised by the sovereign of England, has been described as "the brightest jewel in the British crown, and the most precious of the rights of the people". Representing the fiction that the sovereign was the embodiment of divinity, the power extended to commuting sentences and pardoning death row convicts, as he pleased.

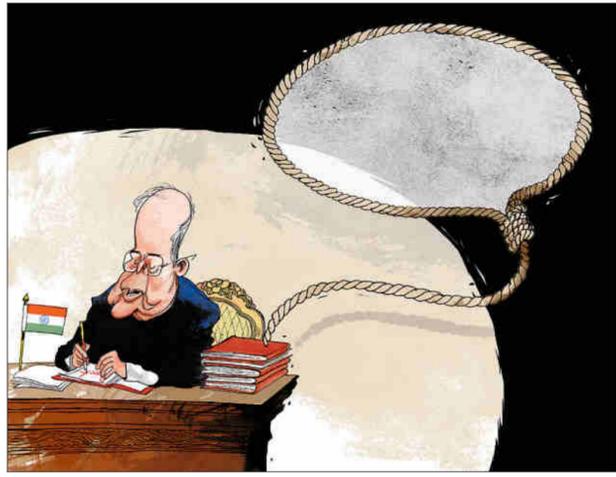
Its practical workings however were less exalted and more mundane. As described by Vic Gatrell in The Hanging Tree, often judges themselves would commute death sentences, replacing them with transportation to America. When the sovereign was petitioned, usually the matter was dealt with by the home secretary without any fixed rules or procedures in this regard. The entire operation of the power to pardon was arbitrary and ad hoc, presumably because that's how the English believed the Almighty worked.

In India, which established itself as a democratic, secular republic, the power to pardon ought to have been seen as a colonial relic. However, the mai-baap sarkar that soon took root seamlessly transplanted the provision into the Constitution, not because the President was expected to have shades of divinity but because he would act on the aid and advice of government.

This foundational belief was belied

No Pardons Please

Disposing mercy petitions has been President Mukherjee's foremost legacy



Court, take similar factors into account and overturn the court's decision appears to be a case of bypassing the rule of law and unjustifiably breaching separation of powers in the process. In practice, the overwhelming rate of rejection of mercy petitions, whether for commutation or remission, is evidence that it holds out a hollow hope to convicts.

Further, as noted by the Supreme Court in a judgment overturning the rejection by Mukherjee of the mercy petition of 15 convicts, the delay in disposing of such petitions is often tortuous for death row convicts. At the same time, the presence of such a constitutionally sanctioned escape clause for convicts may putatively be a reason for the courts handing down a large number of death sentences, often erroneously.

The real question for a democratic republic like India to consider is whether the death penalty for the crimes for which it is sanctioned, provides an effective deterrent for potential offenders in today's sociocultural milieu. By taking the surest step yet towards relegating the pardoning power to a meaningless constitutional footnote by desuetude, Mukherjee has hopefully left a legacy that forces us to ask and carefully debate this critical question.

Further, contrary to some of his predecessors who raised this question implicitly by disagreeing with the recommendations of the government and consequently keeping files pending, Mukherjee has, by all accounts, largely followed the advice of the government. By doing so, he has articulated his vision of a restrained presidency - a figurehead towards whom the country looks to for guidance, inspiration and moral counsel, not decisions. In a political atmosphere, where assertion is the norm, he leaves a legacy of dignified restraint worthy of emulation.

In parting, just as many times in his long political career, Mukherjee has bowled the country a googly - leaving behind two clear legacies while not appearing to leave any.

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take into account every relevant circumstance relating to the crime as well as the criminal. Machhi Singh (1983) required the sentencing court to draw up a balance sheet of aggravating and mitigating circumstances and Gurvail Singh (2013) drew up the crime-criminal-rarest-of-rare test holding that "to award death sentence, the aggravating circumstances (crime test) have to be fully satisfied and there should be no mitigating circumstance (criminal test) favouring the accused."

For the President, and by extension the government, to sit above the Supreme

because the President often acted on his own, contrary to the aid and advice of his ministers. This was most apparent during the tenures of KR Narayanan and Pratibha Patil who disagreed with the home ministry's recommendation to confirm death sentences in a majority of cases before them. More importantly, the very premise of this belief, that a democratic government could be the repository of mercy, was anathema in a Constitution built on separation of powers and the rule of law.

The death penalty, when awarded, is confirmed by multiple courts, including the Supreme Court, pursuant to a law made by Parliament. In such a situation, ordinarily no question of mercy ought to arise thereafter. Further, the Supreme Court itself through a series of orders, has made it amply clear that circumstances pertaining to the criminal - which presumably might be key considerations for granting him mercy - would be factored in while awarding the death penalty.

Sentencing guidelines laid down in Bachan Singh (1980) required the court to

Forthcoming Supreme Court decision on right to privacy one of the most important legal decisions in the world this year

Eben Moglen and Mishi Choudhary



Last week's arguments before a nine-judge constitutional bench of the Supreme Court, which is at long last deciding whether Indian citizens have a fundamental right to privacy, have established two realities clearly. First, the judges see the profound importance of any decision to create such a fundamental right. Second, they would like to know just what the outlines of this right should be.

Privacy is, as Brandeis and Warren said in 1894, "the right most valued by civilised men", "the right to be left alone". But in our age, the age of the internet, the right to be left alone includes also the right not to be put out there, or exposed involuntarily. Forced disclosure of the information that comprises our identities, in the age of biometric identification, social profiles, and cashless economic transactions, damages an essential component of all personal liberties. Whether the individual's information is used on its own, or is analysed, profiled, or linked in the "social graph" to that of other related persons, forced disclosure of personal information in today's society creates power in the state which receives that information.

Not all of the constitutional right of

privacy cases in the age of the internet will involve forced disclosures. The cases that will matter most, should the court decide in favour of the fundamental right, will be where the government imposes a form of disclosure that, like limitations on physical movement, inhibits the "ability to be oneself".

In these cases, the court would find that the fundamental right to privacy is infringed when forced disclosures of personal information to government interfere with the exercise of any of the freedoms the Article 19 protects, when you cannot actually have your freedom of movement, or of expression, for example, because you are compelled to give information that empowers government to restrict or deny your rights.

So, for example, if the government were to do here what the Chinese government has done since the death of Liu Xiaobo, not only blocking messages of mourning or containing pictures of Liu on WeChat (the Chinese equivalent of WhatsApp), but also keeping track for subsequent surveillance of everyone sending or receiving such messages, this surveillance based on private expressions of emotion or opinion would violate the freedom of expression in Article 19.

The same applies to the liberties guaranteed by Article 21. Where, for example, an Aadhaar number is required before a patient can request ambulance service, as has been ordered recently in UP, the right to medical care protecting life declared by the Supreme Court in



adversely affecting an individual's ability to exercise freedoms protected by Article 19 or liberties guaranteed by Article 21. Also, under the terms of Article 14, that all persons must be equally treated with respect to requirements of personal information disclosure, without discrimination.

The importance of a fundamental right in our system is that it can only be enforced against the state. "Platform" social media companies receive voluntary disclosures of personal information in immense quantities every minute, but they are not subject to constitutional controls. Moreover, though these corporations are indeed ubiquitous in our lives, they are not obligatory. In dealing with them, we still have choices. Only the power of the state can, in fact, compel us to expose ourselves more fully than we choose to do. The state can as well, of course, legislate to protect our privacy against private parties, and should do so.

The forthcoming decision of the Supreme Court will be one of the most important legal decisions in the world this year. Societies far beyond India will be watching to see what it decides. India will, as a result of the Supreme Court's judgment, take the lead among democracies in recognising and enforcing its citizens' fundamental right to privacy, or fall in line behind despotic societies in destroying it.

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Parmanand Katara vs the Union of India is violated by the compelled disclosure of identity.

We think that, if the Supreme Court decides the present issues fully, it will find that the common factors in all successful constitutional privacy claims are (1) the forced disclosure of personal information; (2) under circumstances

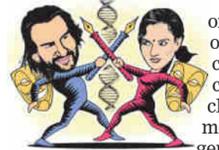
Nepotism Rocks?

Saif Ali Khan and Kangana Ranaut disagree but at least have a civil debate

The couch on Koffee with Karan has the gift of creating controversy. So when the Queen and the Nawab sat their svelte selves on it, it was a foregone conclusion that sparks would fly. What was a surprise was the direction in which they flew - towards the show's host. With a killer smile on her face Kangana Ranaut lay into Karan Johar for being the stereotypical Bollywood biggie, intolerant to outsiders, flag bearer of nepotism. Months on, the fire got restoked at an awards show where Saif Ali Khan, Varun Dhawan and Karan joked - perhaps a tad uneasily - about being there because of their mummy or papa. Now both the Queen and the Nawab have written on nepotism - in more than 140 characters.

Their essays are a well-learned reminder of the art of debate, where differences of opinion are addressed by presenting one's case rationally, not trolling or flaming or cyberbullying. Saif makes the intriguing claim that if he got a break because of his mother, it was less nepotism and more genetics. To which Kangana's dramatic rebuttal is that if it all came down to genetic inheritance, she would be a farmer back in Himachal Pradesh.

Saif also claims that nepotism in the movie industry is far less rampant than in politics and business. And this nepotism is ultimately tempered by democracy, or people power (although folks in politics or business would argue the same). That's how guys and girls like SRK and Sridevi from non-film backgrounds rise to the top, while many star kids bite the dust. In this Saif may be right. But in still refusing to make peace with nepotism Kangana is pursuing a fairer world. Without this gutsy chasing of aspirations, she would not be Queen today.



Two blue ticks

You know they know you know they have read the message

Bikram Vohra



Nothing makes one feel worse than watching a WhatsApp message turn from two grey ticks to blue and you know the person you sent the message to has read it and there is still no answer. You know they know you know they have read the message and they are still letting you twist in the wind.

There you are looking at the conversion from monochrome into colour and thinking so why aren't they answering, don't they love me anymore, what's gone wrong, I need an answer.

You now have this image in your mind of the recipient of your misspelt effort staring at the contents and then swanning off without even bothering to reply. Just a shrug and a whatever. Now if that plays havoc with your self-esteem it is even worse when you look again at the message and it is still grey and no one has even bothered to read it.

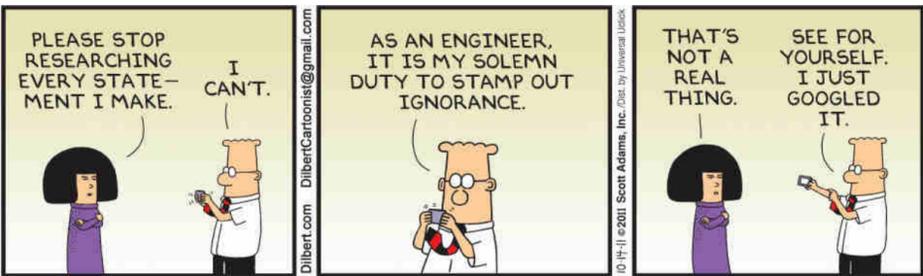
Because WhatsApp etiquette prohibits you from picking up the phone and clarifying all doubts by simply speaking to the other party (a once normal human function now suffering from rust and decay by disuse) you send three or four more mealy mouthed messages like 'are you there?' and 'are you receiving?' and 'hellooooo' (using the light touch effectively so you do not offend) and now you have a collection of grey twin ticks and it is totally unnerving and it crosses your mind the person who you are writing to could have jumped off the ledge or lost his phone because there is no way he would not see his messages.

And then they all light up blue suddenly and as swiftly as the Usain Bolt led Jamaican relay team, the baton passes from one double tick to another and you breathe a sigh of relief... he hasn't jumped. All messages home and safe.

But what happens now is you have a collection of blue ticks and woe is me, still no reply is forthcoming and this is the worst sensation of all. Then we begin to justify it because we cannot bring ourselves to believe we are such a pathetic priority that we don't even get acknowledged. Must be in an important meeting. So what is he doing reading all the messages.

Instead, you begin to read pointless and longwinded forwards that people you don't really know have written and you have no clue why it has come to you seeing as how you have no interest in the food habits of Shaolin monks and you forward them and eureka, you get two blue ticks instantly.

dilbert



Swami Swaroopnanda

The ability to question is a characteristic special to human beings. As children, fascinated by the mysteries of the world, one reads books entitled, "Tell Me Why?" growing up as defiant teenagers, the query changes to, "Why, tell me!" and as discontented adults one constantly complains, "Tell, why me?"

Sorrows are due to our grievances, desires and continuous dissatisfaction with the world which intensify and torture the mind because of this persistent protest, "Why me?"

However, one never enquires, "Why not me?" in life, something is obtained only when one is competent and fit for it. For example, admission to a good university, is attained by the smart, intelligent and diligent student; maximum work is given to the most proficient individual. The law of nature is that

greater responsibilities or adverse situations only come to those who have the capacity to handle them.

Saints and sages, from Krishna and Buddha to Guru Nanak, have commented on how people are afflicted by misery and anguish, and yet, nobody really wishes to die because of the few joys and pleasures in life; one feels secure because there are some heroic and rare people who have the capacity to bear suffering.

This is aptly illustrated in the beautiful Puranic story of the churning of the ocean. All were anxious to covet the exquisite, glorious and enchanting powers and jewels that emerged, but none wished to accept the poison. Collapsing and burning from the fumes, they appealed to Shiva to save the world from devastation and death. Shiva did not object, "Why me?" but willingly drank and held the poison in His throat.

What would have happened if He had not taken it?

In this world, people emit poison in the form of thoughts, words, and actions. Shiva drank the poison because He was the only one who had the capacity to do so. In the same way, greater responsibilities,

pressures, tensions or sufferings come to those who are courageous and noble because they possess the capability to endure them. Today, the world is surviving despite atrocities, despite wickedness, because there are a few people who have the strength to drink and tolerate the poison; they are great and laudable; and, dare to think, "Why not me?"

In Village Sidhbari, in Himachal Pradesh, women were uneducated, helpless, mentally and physically abused; they were suffering to such an extent that many contemplated

suicide. However, today the picture is so transformed due to development work undertaken by the Chinmaya Mission directed at empowering weaker sections of society, that no one can imagine that they were victims of an unjust society.

Swami Chinmayananda inspired them to realise that they were not helpless and vulnerable victims; rather, they were the very Shakti behind the universe. These women now, are not only benefiting themselves and their families, but also alleviating the suffering of people in other villages. They have made a leap from "Why me?" to "Why not me?" This leap is urged by Krishna in an inspiring message in the Bhagwad Gita where he says, "Don't look down on yourself; don't cry out to the world; don't be dependent on the world. Appreciate your inner strength, beauty and hidden potential and lift yourself by yourself."

(The writer is Global Head, Chinmaya Mission.)

Sacred space

Life Eternal

In reality, there is no death. Death is very much like the sunset. When the sun sets here, it has already risen elsewhere. Likewise, death here is birth elsewhere. For life is eternal.

Dada JP Vaswani

The Most Oft-Asked Question: Why Me?



the speaking tree