



## Anarchy in Panchkula

In failing to control the violence, the Haryana government abdicated its responsibility

Nothing shows up the ineptness of the state more than unpreparedness in the face of predictable events. In allowing tens of thousands of followers of the Dera Sacha Sauda sect to gather for a show of strength when their leader, Gurmeet Ram Rahim Singh, was awaiting a judicial verdict in a rape case, the Haryana government abdicated its responsibility of maintaining law and order, and protecting life and property. Prohibitory orders were not enforced, with the government evidently viewing the looming protests as pressure relief valves instead of as trigger points for violence. In the absence of preventive detention where appropriate, and of restriction on movement and assembly in public spaces, matters spiralled out of control once the court pronounced the cult leader guilty of rape. True, mob violence is difficult to control without resort to extreme force, but in this case the government seemed to rely entirely on the good sense of the sect's followers. It failed to foresee violence on such a large scale, and no viable security plan was in place until after several hours of lawlessness. Despite intelligence inputs about the Dera followers storing fuel, and knives and stones, the government machinery was woefully slow to react. Neighbouring Punjab and Delhi also witnessed violence, but the preparedness of the law enforcers were of a higher order in both those areas. Punjab saw better coordination between the Army and the police, with action being taken at least ten days in advance. Of course, the supporters had gathered in greater numbers in Panchkula and Sirsa, the headquarters of the sect, in Haryana; even so, nothing remotely credible can explain the inadequateness of Haryana's response to Friday's mayhem.

Religious sects such as the Dera Sacha Sauda that command a huge following are often handled with kid gloves by governments as they can deliver votes in blocks. Senior BJP leaders, including ministers, have often been seen seeking the blessings of the Dera leader. This is what must have prompted the Punjab and Haryana High Court to come down hard on the Manohar Lal Khattar government for its "political surrender" to the Dera vote bank. Although the remarks are political in nature, and quite unusual coming from a court, they reflect the growing perception that politicians are often in nexus with religious leaders and cult figures. Three years ago, in Hisar, another godman, self-styled "jagat guru" Sant Rampal, defied the police for several days, evading arrest in a contempt case. In that instance, his followers countered the police with Molotov cocktails and acid pouches. Clearly, godmen and cult leaders believe they are above the law. It is for the government and law enforcement agencies to disabuse them of that notion, especially when, as in the case of Gurmeet Ram Rahim Singh, they face charges of rape and murder.

## That old spark

The Nepal Prime Minister's visit sparks hope that bilateral ties will find a new equilibrium

At a time when the Doklam stand-off had focussed attention on Himalayan geopolitics, it was impossible to miss the significance of the visit of Nepal's Prime Minister Sher Bahadur Deuba to India. This was his first foreign visit as Prime Minister, and it confirmed Kathmandu's abiding interest in strong ties with India. The recovery of bilateral warmth has taken some doing on both sides. Mr. Deuba is Nepal's 10th Prime Minister in a decade, and its fourth since its Constitution was promulgated in 2015. India had mounted strong opposition to the Constitution with demands that it be made more inclusive, especially *vis-à-vis* the Madhesi in the Terai area, sending ties with Kathmandu's ruling establishment on a downward spiral. Even as Nepal struggled to cope with rehabilitation work after the massive earthquake of 2015, many in Kathmandu held India responsible for the three-month-long "great blockade" of goods and fuel supplies that followed sustained protests by Madhesi groups. To that end, Mr. Deuba's visit was another opportunity, as were the visits of his predecessors K.P. Sharma Oli and Pushpa Kamal Dahal 'Prachanda', to repair the India-Nepal relationship. The joint statement at the end of the Delhi leg of his visit refers to the "deep, comprehensive and multi-faceted" ties between the neighbours as it listed projects being developed in Nepal under lines of credit provided by India. These include \$200 million for irrigation projects, \$330 million for road development and \$250 million for power infrastructure in Nepal. India made the obligatory appeal to Kathmandu "to take all sections of society on board" while implementing its Constitution, but the tenor was notably softer this time. No mention was made of a key amendment to the Constitution to accommodate Madhesi demands that had been defeated just last Monday.

Yet, it would be a mistake to presume that ties can so easily return to their pre-2015 strength, as the ground has shifted in too many ways since then. To begin with, memories of the blockade still rankle in Nepal. And while South Block and Singha Durbar have been keen to move ahead with trade linkages and complete the integrated check-posts at Raxaul-Birgunj and Joghani-Biratnagar, the land-locked country has actively sought to break its dependence on India for fuel and connectivity. Since 2015, Nepal and China have cooperated on infrastructure plans, including a big hydroelectric project and a rail link to Tibet. Nepal is also part of China's Belt and Road Initiative. India is struggling to leverage the historical closeness with Nepal, the open border the two share and the special status Nepalis working in India have enjoyed. The India-China stand-off in Doklam will add to the awkwardness in the trilateral relationship. Mr. Deuba's visit will need a sustained follow-up.

# Mission indefinite

Donald Trump's Afghanistan policy reflects more continuity than he is willing to acknowledge



RAKESH SOOD

In a prime time national address on August 21 from the Fort Myer military base, U.S. President Donald Trump laid out his long awaited strategy for "Afghanistan and South Asia". After 16 years, Afghanistan remains America's longest war. It has spent more than \$800 billion and nearly 2,400 U.S. soldiers have lost their lives. The American people are now weary of this long war without victory – and Mr. Trump has characteristically promised, in the end, we will win!

### Compounding mistakes

Launched with the full support of the international community in 2001 after 9/11 by President George Bush, the war in Afghanistan got derailed as the U.S. shifted focus and resources towards Iraq from 2003 onwards. The end objective of a stable and peaceful Afghanistan began to recede further and further as the Taliban launched their insurgency in 2005 after they had recovered, regrouped, refocused and re-equipped themselves from their sanctuary in Pakistan. Since then, the insurgency has gathered momentum and also exposed the U.S.'s policy weaknesses.

After taking over in 2009, President Barack Obama too had undertaken a major policy review describing the Afghan war as "a war of necessity", "a war that we must win". He went on to authorise a surge in U.S. troop presence from 55,000 in early 2009 reaching 100,000 in 2010. The objective was to gain a decisive victory over the insurgency. The simultaneous announcement that the drawdown would commence in 2011, and by 2014 the Afghan security forces would take charge of all combat operations, however, only encouraged the Taliban insurgency and also exposed the shortcomings of the Afghan army and the police forces, in terms of numbers, training and equipment to deal with the post 2014 situation.



GETTY IMAGES/ISTOCKPHOTO

In 2014, Mr. Obama realised that the bitterly contested Afghan presidential election had led to a politically fragile situation. He and Secretary of State John Kerry engaged in personal diplomacy to create the compromise of a National Unity Government, with Ashraf Ghani becoming President and his rival, Abdullah Abdullah, taking over as CEO, a newly created position that was to be converted into a prime-ministership through a constitutional amendment within a two-year time-frame. Having announced the pull-back, Mr. Obama withdrew the bulk of U.S. soldiers (the other allies were equally eager) and Operation Enduring Freedom formally concluded on December 28, 2014. Approximately 8,400 U.S. soldiers and another 5,000 from other allies stayed behind to "advise, train and assist" the Afghan security forces under Operation Resolute Support. Initially, this too was to conclude by end-2016 but faced with a difficult political and security situation, Mr. Obama decided to bequeath this decision to his successor. In addition, the U.S. maintains approximately 2,000 soldiers in Afghanistan, for counter-terrorism operations, described as Operation Freedom's Sentinel.

### Trump's bad hand

Mr. Trump was right when he said, "When I became president, I was given a bad and very complex hand." Since 2012, he had been voicing his frustration with U.S.

policies in Afghanistan and had applauded Mr. Obama's original decision to pull out U.S. soldiers by end-2014. He reminded the audience that, "My original instinct was to pull out." But like his predecessor, he was prevailed upon to curb his instincts.

The same logic that persuaded Mr. Obama persuaded Mr. Trump to conclude that the U.S. "must seek an honourable and enduring outcome worthy of the tremendous sacrifices that have been made"; that a hasty withdrawal would create a vacuum for terrorists, including ISIS and al-Qaeda; and the "20 U.S.-designated foreign terrorist organisations... active in Afghanistan and Pakistan" continue to pose "immense" security threats to the U.S. With these conclusions, his options were limited. One option was to do nothing but this would only prolong the stalemate that Gen. John Nicholson (commander of U.S. forces in Afghanistan) had publicly warned about. He could hardly announce a major expansion of U.S. presence which his predecessor had attempted and failed. So he had to go with the recommendations of the generals – Gen. Nicholson from Kabul, National Security Advisor H.R. McMaster, Defence Secretary James Mattis and his new chief of staff, John Kelly. In short, once his conclusions were determined, the choices vanished.

He has therefore authorised a modest increase in the U.S. military presence on the ground (approximately 4,000 soldiers) but without specifying a time frame for the operations. He has also "lifted restric-

tions" so that the commanders in the field can have access to resources needed to prosecute military operations. This mostly relates to surveillance and air support. He has put the Afghan government on notice by reminding them that "our support is not a blank cheque" and "the American people expect to see real reforms, real progress and real results".

This provides a short window of 18 to 24 months. Today, 70% of operations on the ground are being conducted by the Afghan Special Forces (Khat Khas). These numbers are expected to be increased from 35 to 63 companies and reforms in the Army will enable it to hold territory once the Special Forces have cleared it. Together with increased air capabilities, Gen. Nicholson hopes that this will tilt the stalemate against the insurgency.

Mr. Trump has made it clear that the purpose of the U.S. military presence "is not nation-building", but "killing terrorists". Linked to this is his disdain for any reconciliation with the Taliban – "someday, after an effective military effort, perhaps it will be possible to have a political settlement that includes elements of the Taliban in Afghanistan. But nobody knows if or when that will happen."

### Geography and continuity

Does all this make for a dramatically different plan as Mr. Trump would have the Americans believe? Will it help America declare victory as has been promised? The key lies with Pakistan, something Mr. Trump's predecessors also understood but found too intractable a problem to tackle. The truth is that an Afghan policy review is also a Pakistan policy review. As the U.S. Department of Defence Report on Afghanistan issued in June this year categorically states, "Afghan-oriented militant groups, including the Taliban and Haqqani Network, retain freedom of action inside Pakistani territory and benefit from support from elements of the Pakistani Government." Gen. Nicholson told a Senate committee that "the primary factor that will enable our success is the elimination of external (read Pakistan) sanctuary

and support to the insurgents". Neither of these is new. What is, however, new is the open acknowledgement of this by a U.S. President.

Mr. Trump has described the Pakistan policy as a key pillar of his new strategy and cautioned that the U.S. "can no longer be silent about Pakistan's safe havens for terrorist organisations," and that the U.S. has been "paying Pakistan billions and billions of dollars, at the same time they are housing the very terrorists we are fighting".

Expectedly, there have been vociferous protests in Pakistan. Foreign Minister Khawaja Asif rejected the charges and said that the U.S. "should not make Pakistan a scapegoat for their failures in Afghanistan". Pakistan is upset that Mr. Trump has also indicated determination "to further develop its strategic partnership with India" and appreciated "India's important contributions to stability in Afghanistan". China has come to Pakistan's defence calling it a frontline state in the struggle against terrorism that has "made great sacrifices and contributions".

Pakistan's problem is that it sees its relations with Afghanistan through the prism of its relations with India. It seeks a veto on Afghanistan's relations with India which the Afghans will not accept. Changing this dynamic requires getting rid of the military's stranglehold on Pakistan's India and Afghan policies.

As long as the U.S. maintains a military presence in Afghanistan, geography determines its dependence on Pakistan for supply routes. The other possible access routes are through Iran or through Russia and Kyrgyzstan. Neither is feasible since sanctions on both countries have been ramped up and the U.S. base in Kyrgyzstan closed in 2014 under Russian pressure.

Consequently, Mr. Trump's policy reflects more continuity than he is willing to acknowledge.

Rakesh Sood is a former Ambassador to Afghanistan and presently a Distinguished Fellow at the Observer Research Foundation. E-mail: rakeshsood2001@yahoo.com

# How privacy stacks up

In accepting the different conceptions of privacy, the Supreme Court has advanced the privacy jurisprudence



MARIYAM KAMIL

A nine-judge bench of the Supreme Court, only the tenth such instance in India's history, delivered a historic judgment on Thursday. The judges unanimously affirmed the existence of a constitutional right to privacy. The *ADM Jabalpur* decision from the Emergency era was formally overruled, and the majority openly criticised the reasoning in *Koushal*, the verdict on Section 377. These are significant developments, and the decision can be expected to have sweeping implications for constitutional law in India. However, relatively little attention has been paid to what this decision entails for the future of the right to privacy in India. This piece focusses on three significant privacy themes that permeate the judgment.

### Clusters of rights

The first among them is this: is the right to privacy a monolithic conception, or does it consist of different variants? There were already hints in the Indian jurisprudence that privacy is best conceptualised as consisting of clusters of rights.

Privacy in India has raised issues ranging from surveillance, search and seizure, and telephone tapping to abortion, transgender rights and narco-analysis. It is difficult to escape the conclusion that these cases raise distinct issues and demand different analyses. The Supreme Court has now confirmed this view. In acknowledging that different conceptions of privacy exist, it has significantly advanced the privacy jurisprudence in the country.

Although there was near unanimity among the judges that privacy operates through different variants, there was no clear consensus on what these variants are. While Justice D.Y. Chandrachud offered a learned discussion of the different methods of classifying privacy, ultimately he chose to not embark upon 'an exhaustive enumeration' of the privacy categories. Justice R.F. Nariman expressed a clearer view, referring specifically to 'physical privacy', 'informational privacy', and the 'privacy of choice'. In reaching that conclusion, his reasoning was reminiscent of the privacy jurisprudence in the U.S., where distinct variants of privacy derive support from different constitutional safeguards. Finally, Justice J. Chelameswar discussed the privacy of 'repose, sanctuary, and intimate decision'. It is unfortunate, though unsurprising, that the judges did not agree on what the constitutive vari-



ants of privacy are. Expressing a final view on classification was strictly not necessary to answer the reference. Nevertheless, this may have been an opportunity for the Court to delineate the broad contours within which privacy could structurally grow.

### Judicial review

The second issue concerns the standard(s) against which privacy infractions must be judged. When is it permissible for the state to restrict individuals' privacy? As privacy is an aspect of the right to life and liberty under Article 21 of the Constitution, the question should be: is the impugned restriction of privacy 'just, fair and reasonable'? Sometimes, however, an entirely distinct, higher standard of review has also been used. That standard enquires whether the impugned violation of privacy is aimed at achieving a 'compelling state interest'.

On this issue, Justice Chandrachud adopted the classic three-step analysis: Is the restriction supported by 'law'? Does the law pursue a legitimate objective? Is there a rational nexus between the objects sought to be achieved and the means used to achieve them? Admittedly, he used the language of 'proportionality'. However, it would be a step too far to read that as a wholesale adoption of the entirely distinct European standard of proportionality into Indian privacy jurisprudence. Justice S.K. Kaul, in contrast, seemed to take the further step of expressly adopting the proportionality standard. Both Justice Chelameswar and Justice S.A. Bobde noted the distinct standards of 'reasonableness' and 'compelling state interest'. Neither however, conclusively identified the instances when each of these standards may apply. Unfortunately thus, the judgment offered no majority view on this point, although it seemed clear that restrictions on the right to privacy must at the very minimum be 'just, fair and reasonable'.

### Horizontal application

The final theme is about whom privacy is a guarantee against. Do infractions by private entities as well as the state fall within the ambit of constitutional privacy? As a general rule, Indian courts have refrained from applying funda-

mental rights against private persons unless required by the express words of the Constitution. In the context of privacy however, the Court had, on at least three previous occasions, blurred the conceptual distinction between the private law infringement of privacy and the constitutional infringement.

On this question again, the Supreme Court's view was divided. Justice Chandrachud, on behalf of the four judges, chose to leave this question to the legislature. In contrast, Justice Bobde and Justice Kaul took opposing views. Justice Bobde affirmed the separation between the constitutional right to privacy and the common law right. The former is available only as against the state; the latter, against private persons. Justice Kaul disagreed. To him, the fundamental right to privacy applies against 'interference from both state, and non-state actors'.

In sum, the Supreme Court on Thursday made a remarkable contribution to the privacy jurisprudence in India. However, the specificities of the right to privacy await final resolution. The impending privacy challenges to Aadhaar and the WhatsApp privacy policy will, it is hoped, offer the Court another opportunity to provide definitive guidance on these issues.

Mariyam Kamil is a DPhil candidate in law at the University of Oxford

## 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.

### Surrender, patronage

A second look at the happenings following the mindless violence that ensued after the conviction of Dera chief Gurmeet Ram Rahim Singh ("Haryana braces for Monday, the day of sentencing", August 27) will show that it was a lack of political will that led to administrative paralysis and the grotesque happenings. The security forces seem to have been operating without a strategy. Without exception, political parties have pampered the Dera Sacha Sauda chief with an eye on the vote bank which in turn sent wrong signals to the administration. Elementary precautionary measures such as preventive arrests and detention of leaders were not taken. The saving grace

in the entire episode is that the courts have proved once again to be the last bastion of justice, with the High Court making sharp observations ("HC slams Khattar's 'surrender to vote bank", August 27).  
S.V. VENKATKRISHNAN, Bangalore

The violence in Haryana is a result of the total failure of the State government. Officials are sure to have known that the followers of Gurmeet Ram Rahim Singh would react in a violent manner. It is obvious that the police had their hands tied. People are bound to get fed up with rhetoric of a "clean India" unless there is action against violators of the law.  
S. VENKATARAMANI, Chennai

### Threats from within

It is not an exaggeration to say that the average Indian citizen has lost faith in today's media because unbiased journalism is extinct in India ("Newsrooms under siege", August 22). Switch on your television and there is either the relentless rambling of some noisy reporter covering 'live' some event or indulging himself in some mindless sensationalism. Even the most ardent television viewer would get exhausted by this noise and din. They literally scream in your face. Coming to the print media, most newspapers read like they are the election pamphlets of some political party or the other. It is as if the reader is paying to read about the political ideology

and electoral campaign of political parties. And then there is the new kind – the Web media which is filled with gossip and trivia. The average consumer of the media has long been acclimatised to paid news. Today, we are dealing with a new animal. Most print and electronic media houses are affiliated to political parties through ownership or by contract – a case of institutionalised 'conflict of interest'. Had he been alive, I wonder what Joseph Pulitzer would have said.  
RAVI ARAVELLI, Cheepurupalli, Andhra Pradesh

### On leave

J. Mathrubootham's announcement of being away on one month's leave is quite upsetting.

(Magazine - 'Letter from a Concerned Reader', "I will be back", August 27). As an ardent fan of his column, I do not know how I will be able to manage to read the paper without this feature on Sundays. However, I am a bit relieved to know that this year, September has only four Sundays and feel like a scientist after this little discovery. I wish Mr. Mathrubootham and his family a very happy and safe trip to Kerala. I am sure he will have lots of stories to share with us on his return.  
M. DIVYA, Chennai

### CORRECTIONS & CLARIFICATIONS:

A front-page report headlined "30 die in protests after Dera chief convicted of rape" (August 26, 2017) erroneously gave the name of the Chief Medical Officer of Panchkula's civil hospital as Vivek Bhadu. His name is Dr. Virender Kumar Bansal.

The Readers' Editor's office can be contacted by Telephone: +91-44-28418297/28576300; E-mail: readerseditor@thehindu.co.in

# The lure of the Dera

These sects cater to the diversity of livelihoods in a way that social workers cannot match



SHIV VISVANATHAN

The Dera Sacha Sauda sect headed by Gurmeet Ram Rahim Singh is a fascinating phenomenon which cannot be analysed through the standard upper middle-class lens that dismisses it as a criminal or law and order problem.

The Dera is a mirror to middle-class fantasies, a mirror which captures modernity by caricaturing and distorting it. A part of it is seen in Singh himself. His name embodies an idea of equality, the equality of all religions which goes beyond any secular ideology. Secular ideologies are often dry today, while the Dera search has a stamp of fantasy, a yen for the latest technology. In fact, the symbolic power of technology is in desire fulfilment, and Singh's group captures it. However, Singh wishes to say technology does not make you a robot, but a prophet, a superhero, a genius ready to help humanity.

## The dream of equality

Listen to his song, 'Love Charger'. There is a poignant mediocrity in his performance. Bhakti and karaoke combine in good measure as he sings an ode to the Satguru. In English, the mysticism disappears and rap and pop sneak up on you as laughable, watered-down mysticisms. The text is repetitive. You condemn it, but your body dances to it and you find yourself mumbling the lyrics. It is a song every student of mine hums, a karaoke song to god and guru exclaiming a faith where "any moment, any problem, in heart call you."

It could be dismissed as being ludicrous but the ludicrous sometimes captures our dreams more fully. The dream of equality can go back to the Bhakti movement, or it can summon the French Revolution. One thing is clear: democracy and modernisation have not delivered equality. The lower castes, the Other Backward Classes needed an imagination beyond the aridity of socialism and Marxism, the promises of equality that offer little. In the drudgery of routine made more meaningless by modernity, the pidgin of faith that Singh espouses makes sense, provides a sense of communitas, welcoming the poor and the discarded



**Potent mix:** "The Dera's ideology is a bricolage of Bhakti, technology, spirituality and social science, the very idioms in which many of us speak." File photo of supporters of Gurmeet Ram Rahim Singh in Gurugram. • MANOJ KUMAR

in a way that ideology cannot. English middle-class snobbishness dismisses the sect as mediocre, as a law and order problem. But fantasy and faith go together to create a circus of desire where quackery and belief can co-exist. This needs to be understood. Few will wonder how these Statesangs pervade lower middle-class life and provide a poetics to small-town life. Here one can erect a dream of success, a millennial faith in technological happiness, where Singh revs up a sense of anticipation.

Perusing a list of Dera Sacha Sauda ashrams in India, one can see them as terrains of social service or as personal enclaves full of sexual kinkiness, most probably a combination of both. These groups are large, and States like Haryana, Bihar, Punjab and Rajasthan are fertile grounds for people who dream of a millennial equality, where good and evil combine. Do our progressives ever ask why this man thinks of the actual lives of widows and sex workers, while our ideologues talk of abstract equality? Here, governance and empathy work for marginal groups which are accepted without condemnation. Agreed, the roots of exploitation might also be seeded here, but how do you separate, judge, and provide the report cards?

Imagine doing a human indicators study of these ashrams, comparing them with enclaves where the government has conducted its welfare projects. If these groups are evaluated on the ideas of community, solidarity and well-being, they will probably receive a better rating. So,

is the secular the only idiom of justice or are there other vernaculars? Do we dismiss the faith of these people on their guru as another ridiculous Ganesh phenomenon?

It is true that the relation between these groups and electoral politics is a bit seedy. The size of the following makes politicians see them as vote banks, pamper them with real estate, turn a blind eye to the little exploitations and the sheer defiance of the government that must be going on in these enclaves. Politicians love to be invited as VIPs to these enclaves where spectacles are created which can boost their egos. Complicity and conviviality between these groups is witnessed as each fine-tunes the other in their joint march to power and history.

## Grey areas

The challenge today is, how do we look at the aspirations of people without treating them with contempt, without orienting them, as many in the West do when they imagine India as a land of gurus without sensing that some of these groups have the same ardour and faith that fundamentalism abroad is displaying? How do we separate the different Gurmeet Ram Rahim Singhs: the reformer, the devotee, the fraud, the rapist? How does a culture look at such a man without falling between a lazy secularism and a multi-coloured fundamentalism?

As citizen social scientists today, we have to go beyond the knee-jerk celebrations and dismissals. The demographic emergence of millen-

nial ashrams is a source of concern and curiosity. How do these ashrams, which deal with small-town meaning and modernity, appear and become global phenomena? How do they acquire so much freedom so as to become parallel communities which challenge the official? How long have they been beyond the scrutiny of law and order forces? How could so many of them assemble arsenal? It is almost as though these ashrams are enclaves of secession, of groups which have diffused their life and lifestyles as different from the mainstream. The sense is that unlike Sadhguru or Sai Baba, these groups do not need to associate with government; they have the confidence and culture to challenge it on the streets.

The old notion of civil society of the secular NGO, the idea of public does not quite fit our democracies today. Our biggest NGOs are religious groups, which are often little multinationals in terms of the power they wield. Dismissing these groups as bad faith will not do. People and even the government realise that at moments of disaster these groups have the power and commitment to be among the best disaster-managers. Their work ethic and their religiosity create a network of competence that the state and secular humanitarians cannot match. They read the classifications of marginal beyond standard categories and cater to the diversity of livelihoods in a way social workers cannot match. Their ideology is a bricolage of Bhakti, technology, spirituality and social science, the very idioms in which many of us speak. These groups provide a mirror to an alternative future which our secular Constitution has no sense of. We have two options: dismiss Ram Rahim Singh as a law and order problem or go out and understand what is happening to our culture today under the stress of modernity and globalisation. The proliferation of goddesses, the epidemic of gurus, and the appeal of millennialism reveals that India is a mix of secularism, faith, and superstition that has an experimental pluralist quality to it. It demands that we step out of our drawing-room ideas of governance and social science and get a vernacular sense of what India is thinking beyond the realm of consumption and marketing today.

Shiv Visvanathan is Professor, Jindal Global Law School and Director, Centre for the Study of Knowledge Systems, O.P. Jindal Global University

## FROM THE READERS' EDITOR

# Independent newspapers and the platform publishers

How the flow of information is determined is cause for worry



A.S. PANNEERSELVAN

Readers have a way of coming up with questions that you did not think of. They asked some interesting ones: will I stop exploring the problems posed by digital conglomerates of Silicon Valley if Indian mainstream newspapers were to witness a huge spurt in their circulation figures, a 'Modi bump' akin to the 'Trump bump' in the U.S.? Are my primary concerns about these 'platform' companies siphoning the monies that would otherwise have come into the newspaper industry? Why do I lay emphasis on the processes that put out information in the public sphere, rather than the information itself?

It is important for the readers to know that no newspaper worth its salt, or its cover price, merely lists facts, statements, data, and policy proclamations. Editorial judgment decides what constitutes news. One of the central elements in this process is the act of verification, a theme that has been explored at length in these columns, an act which distinguishes news from all other forms of information. It is evident that to carry out this task in an independent manner, newspapers need to be financially sustainable. The lopsided distribution of advertising revenue between newspapers that deploy people to produce news and 'platform' companies that merely display news produced by others but garner the lion's share of the revenue should worry concerned citizens. I would be as pleased as Punch if India were to witness a 'Modi bump' in the sales of newspapers. However, as long as technology conglomerates retain power to determine the flow of information, my worries about them will not disappear.

## Problem with the term 'platform'

The Platform Press, a study by the Tow Center for Digital Journalism at Columbia Journalism School, has established that Google, Apple, Facebook, Snapchat, Twitter, LinkedIn and YouTube are now publishers. The study flags four crucial questions: how do we report on a system of power, if journalism is embedded within it? How do we fix incentives for journalism on the social Web? How do we resolve the difficulty of editing at scale? And what is the role of public policy and regulation in this news ecology? There has been no real answer from technology conglomerates to the fundamental question

posed by the study: with most technology companies expanding their business into areas such as aerospace, automotive, telecom, and national security, "can journalism hold the new nodes of power accountable when they are dependent on them for distribution, audience, and money?"

I am not comfortable with the term 'platform press'. This renders them a neutral carrier, which they are not. Tarleton Gillespie, an academic with Cornell University and whose work on algorithms' role in organising information leads us to hitherto unexamined assumptions about popularity, relevance, and value, has nailed the problem of using the term platform to describe Silicon Valley giants. His argument is that 'platform', a metaphorical term, is inadequate to describe these companies because "metaphors don't just highlight a comparison - they also downplay the aspects they don't capture."



Mr. Gillespie's basic assertion is this: "Platforms are not flat open spaces where people speak or exchange; they are intricate and multi-layered landscapes, with complex features above and dense warrens below. Information moves in and around them, shaped both by the contours provided by the platform and by the accretions of users and their activity - all of which can change at the whim of the designers."

His crucial argument is that the term platform helps these companies avoid questions about their responsibility for their public footprint. He feels that the suggestion of an impartial between-ness of the term platform is a false notion to preserve. He thinks that European policymakers are at least trying to push responsibility onto platforms, even though in untested ways. His most startling observation is that platform hides all of the labour necessary to produce and maintain these services. He expands the metaphor to bring out its limitation: "Are platforms also shopping malls, or bazaars? Amusement parks, or vending machines? Nests, or hives? Pyramids, or human pyramids?" On behalf of our readers, I have to keep asking questions till we find convincing answers.

readerseditor@thehindu.co.in

## SINGLE FILE

# Search for democracy

The once-thriving Thai economy could be losing out to competition from ASEAN neighbours

GARIMELLA SUBRAMANIAM



A lasting return to democratic order remains a long-standing concern in Thailand, but seems some distance away in this founder member state of ASEAN. The latest twist to the ongoing political turmoil is the failure on Friday of the former Prime Minister, Yingluck Shinawatra, deposed in 2014 by a constitutional court, to appear for the final verdict in a case relating to a rice subsidy scheme. Her absence has fuelled speculation that she may have fled the country, much like her sibling and erstwhile head of government Thaksin Shinawatra, who was ousted in 2006 in a military coup and has been living in exile since. The Shinawatras largely symbolise the simmering opposition to the entrenched influence of the military and urban elites in a nation where the contemporary record is a continuous cycle of coups and military-inspired Constitutions. The late King Bhumibol Adulyadej, who died last year, was an ardent champion of rural development, but not enamoured of democratic freedoms. His successor, Maha Vajiralongkorn, earlier this year endorsed the latest charter, the 20th in over 80 years, but only after wresting powers from the junta.

The Constitution has little to commend itself in terms of either enshrining democratic principles or popular legitimacy. It provides for a nominated upper house, a non-elected Prime Minister, and greater powers for the Generals. A 2016 referendum drew a mere 61% approval even from the small 55% voter turnout. More ominously, the plebiscite exposed long-festering ethnic divisions between the Malay-Muslim-concentrated provinces in the south who rejected the Constitution and the remaining majority Buddhist regions. Given the systematic suppression of dissent and the introduction of draconian legislation, human rights activists have all too often fallen foul of the Generals. Any hopes for a stable democratic government in Thailand will hinge on the conduct of free and fair general elections promised for 2018.

Whereas a conviction would have made a political martyr of Ms. Shinawatra in the run-up to the polls, her sudden flight from the country has taken the winds out of the opposition's sails. But embarrassingly, the government of Prime Minister General Prayuth Chan-ocha was obliged to offer farmers loans owing to record-low global prices for rice. The move was not much unlike the subsidy scheme that Ms. Shinawatra was sought to be proceeded against.

Meanwhile, the Generals have their own reputation at stake concerning the award of building contracts to their close associates. There is perhaps merit in the assessment that the once-thriving Thai economy could be losing out to competition from ASEAN neighbours who have emerged from conflict and dictatorship of the recent past. Finally, the country's leaders should also be concerned that deficits in democratic governance may not always go unnoticed, notwithstanding the ASEAN principle of mutual non-interference in the internal affairs of member nations. There was a welcome deviation from this norm when Myanmar had to forgo the ASEAN annual chair. The precedent would be instructive across the region.



## CONCEPTUAL

### Animal spirits

ECONOMICS

This is a term that refers to the emotions and instincts that guide the behaviour of investors and consumers in a market economy. It was coined by British economist John Maynard Keynes in his 1936 book *The General Theory of Employment, Interest, and Money*, to explain the persistence of economic fluctuations under capitalism. Keynes argued that investment and consumption are often based on how people feel about the overall economy rather than on unbiased, rational analysis of facts. Critics have argued that while people are not perfectly rational, they are not completely guided by emotions either; hence, animal spirits cannot sufficiently explain economic cycles.

## MORE ON THE WEB

The story of a long haul in Darjeeling

http://bit.ly/Darjeelinghaul

## SHELF HELP

### Hope in the time of despair

On building an equitable future for all

SATTWICK BARMAN

The signs were already there: the 2008 global financial crisis had unmasked the avarice of Wall Street. But instead of protecting people from the coming shocks, the U.S. government bailed out the banks that had caused the crisis. In many European countries, the social safety net was chipped away to pay for the crimes of the financial elite. For many, Donald Trump's election seemed to be an anomaly rather than the logical conclusion of events set in motion since then. But the seed of Trumpism, says Naomi Klein in *No is Not Enough*, goes way before 2008 - Trump is "the cliched outcome" of the ubiquitous war on the public sphere that has been waged by Milton Friedman's disciples over the decades.

But before the political project for a better world can be imagined, we need to identify what exactly

we are challenging. Neoliberalism is so pervasive that we "seldom even recognise it as an ideology", thereby giving it its biggest source of power, writes George Monbiot in *How Did We Get Into This Mess?* In this anthology of his journalistic writing, Monbiot examines the crisis of income inequality, the hunger for growth and profit, the devastation of the natural world, the attempts by corporations to supplant sovereign governments, and a calamitous decline in political debate over what should be done. The source of all problems, according to him, lies in the very idea of freedom peddled by free market seers and the state apparatuses under their control. Their freedom means "freedom from the demands of social justice, environmental constraints... from taxation that funds public services... in sum, freedom from democracy".

The "working-class re-

venge" against this anti-democratic trend, writes Franco Berardi in *Futurability*, has marked a "breakpoint in the history of neoliberal globalism". This, according to the Italian theorist, will result in a long-lasting trauma, the end of which cannot yet be estimated. Though in the end he cynically declares that "the suicidal tendencies of the modern world seem unstoppable", Berardi also posits the theory of futurability - that a better future lies amidst the chaos of the present, but has not become apparent since the established power structures work to keep it invisible.

Klein provides a manifesto for change. She declares: "The spell of neoliberalism has been broken, crushed under the weight of lived experience and a mountain of evidence". The hope is that her call for direct action will be answered, and lead us to the better world we all deserve.

## FROM The Hindu ARCHIVES

FIFTY YEARS AGO AUGUST 28, 1967

### Army called out in Srinagar

Army was called out late this evening [August 27] to assist the civil authorities in quelling disturbances which broke out this evening in some parts of Srinagar. According to an official spokesman, some disturbed parts of the city are being handed over completely to the Army. The Deputy Commissioner, Srinagar, earlier announced the imposition of curfew which will be in force until Tuesday morning in the entire municipal limits of Srinagar, following reports of arson and violence in some parts of the city. A 17-year-old youth, who was injured in the police lathi charge on Friday last, succumbed to his injuries today in a private hospital. A spokesman of the Hindu Action Committee claimed that another person, Mr. Badami, reported to have been injured in this morning's clashes also succumbed to his injuries this afternoon. Later, an official spokesman denied that Mr. Badami had died of injuries.

A HUNDRED YEARS AGO AUGUST 28, 1917

### Russian Situation.

The Conference was opened here [Moscow] by a speech by M. Kerensky. Thoroughfares were thronged with Maximalists who protested against the Conference and provoked a partial strike. Many factories and trams are idle and restaurants and hotels are closed. The Mayor together with Socialist revolutionaries and Democrats appealed to workers and soldiers to maintain calm.

## DATA POINT

### Lion's share

More than half of the medical professionals in India are registered in five State Medical Councils. A State-wise look

