



A thought for today

Reform is China's second revolution

DENG XIAOPING

Kickstart Economy

Reform in coal extraction industry provides an opportunity to do so

Coal is India's primary source of energy. It also happens to be an activity tightly controlled by government, with commercial mining restricted to the public sector. Private companies extracting coal are primarily in other businesses such as electricity generation and mining is means to an end. Simply put, private mining in India has been a no-go area. However, NDA government since March began to lay the groundwork to open up mining to the private sector. Following a few months of preparatory work, there are signs that private sector miners may get a look in.

To put this step in perspective, it is necessary to take a look at the evolution of the industry. Much like other key areas of economic activity such as banking and oil and gas extraction, coal mining too suffered a phase of nationalisation. However, while other areas began



to invite private sector participation as part of their reform package, coal remained in a time warp. This only attests to the power of vested interests as there isn't a single convincing reason to keep competition out of coal mining. Competition and introduction of new technology are essential to improve efficiency in this sector.

Independent of private sector participation, the coal industry has witnessed important changes over the last couple of years. After Supreme Court cancelled allocation of 204 coal mines, India began a transition to auction of coal mines. Thus far 31 mines have been auctioned, a welcome change in the manner in which a scarce natural resource is being allocated. But if the switch to an auction process is to fulfil its potential, the pool of participants cannot be restricted. It makes no sense to allow a private power generator to participate in the auction but keep out a full-fledged mining company.

India's reform measures fizzle out because they are seen in isolation. To illustrate, if coal mining de-control is not accompanied by attendant de-control in the activities of end users, it will not work well. Prices vary according to demand and supply and price control in some parts of economic activity leads to distortions in related areas. With the economy in the doldrums – growth having dipped to a mere 5.7% in the last quarter – coal mining reform should be seen as a catalyst to kickstart growth.

Bid To Silence

Defamation cases on Ramachandra Guha will defame India internationally

After one writer was silenced by a hail of bullets comes an attempt to muffle another one, albeit through recourse to law by criminal and civil defamation complaints. Historian Ramachandra Guha was one among multiple civil society voices who raised the possibility that Gauri Lankesh's criticism of Hindu nationalism may have led to her murder. Those close to BJP accused Naxalites who were upset with Gauri's activities. Public discourse is a chaotic melee of ideological debate, polemical arguments, personal attacks and even incitements to violence. It is important to distinguish personal from political, and violent from offensive, so that free speech does not become the casualty.



Guha does not pin blame for the murder on any one person or party. If general allegations are met with threats of defamation cases it has a chilling effect on free speech. If the bar for making an accusation is that the culprit be convicted in a court of law, that bar is too high to permit political discourse of any kind. Even if one grants that Guha was making an insinuation, it's worth noting that political discourse before any Indian election whatsoever is rife with myriad insinuations and unproven allegations, far more direct than Guha's.

It's apparent, therefore, that confronting Guha with defamation cases is a bid to silence him. This is a ham-handed effort that will only buttress the impression that democratic rights are being eroded in India, harming India's international image. RSS head Mohan Bhagwat told a large group of foreign diplomats two days ago that in the RSS view, 'Hinduness' is not about what one eats or wears – precisely to redress the damage that intolerant voices and lynchings have been inflicting on India's image lately. But the threat to Guha – a public intellectual whose books have a global audience – sends exactly the opposite message.

Screen shots

How a London cinema turned into the Son of Zoro

Bachi Karkaria



'Victoria and Abdul' is emblazoned across London's double-decker buses. It's the Judi Dench film based on Shrabani Basu's book, but I find myself 'coming to a theatre near you', one more redolent of Victoria and Ardeshtir. The Grosvenor began as an art-deco cinema hall in 1936, and is now London's Zoroastrian Centre. Here, the storied diaspora falls in love, eats and prays. In a sense, I'm here to take this community hall back to its origins since the Nanavati case on which I'm speaking continues to inspire Indian film-makers. The Grosvenor too has had quite an after-life.

It changed hands and names, Odeon-Gaumont-Odeon. But its 50th year was its last, the beginning of the end of single-screen cinemas. It was saved from ignominy as a snooker hall, shops and a pub because this art deco gem had been given Grade II* listing by English Heritage three years earlier. It remained cobwebbed till 1990 when, horror, a developer was allowed to turn it into a bar and discotheque. But, the local council stepped in when, ignoring all listing rules, he, et al, painted it midnight blue.

erratica Revamps included such atrocities as a real helicopter and a rowing skiff. Finally in 2000, it came into the benign hands of the Zoroastrian Trust Funds of Europe. Established in 1861 by Dadabhai Naoroji, among other worthies, it knew something about the sanctity of heritage, and has painstakingly restored it, Dress Circle, seats and all. The old projection room now holds a ritual fire lit on holy days.

Britain's Zoroastrian diaspora is the most historic. They were the first Asians when the label carried none of the later odour. Dadabhai was the first elected Asian MP. With Sir Mancherjee Bhownagare and Shapurji Saklatvala completing the political spectrum. The decolonisation of Aden and Africa in the 1960s added a different layer to Britain's 'toff' Parsis; one more cultural shift came with influential Iranian Zoroastrians escaping the Ayatollahs in 1979.

Btw, when Nanavati shot Prem Ahuja dead, Sylvia was at a matinee in Mumbai's own art deco Metro cinema. And if Clark Gable in It Happened One Night once lit up the Grosvenor's screen, Nanavati's biggest champion was the suave Gable look-alike, Russi 'Blitz' Karanjia.

Alec Smart said: "Say 'Dynasty' like the Americans: 'Die nasty'."

bachi.karkaria@timesgroup.com
http://blogs.timesofindia.indiatimes.com/erratica

Where Dynasty Rocks

Avani Bansal



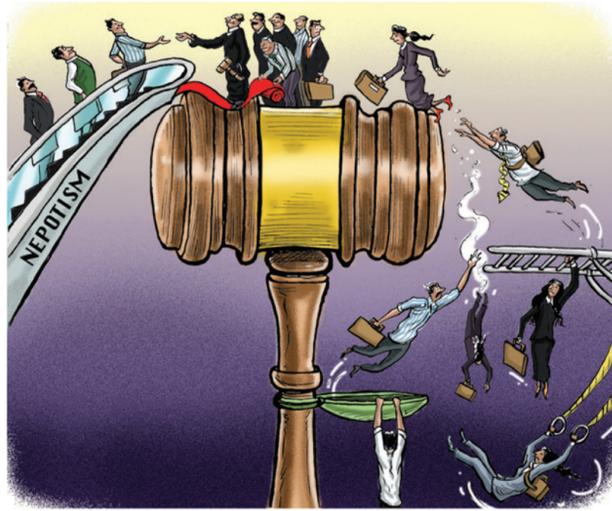
At the University of California, Berkeley two days ago, Congress vice-president Rahul Gandhi said that all of India runs on dynasties. Earlier, social media had crackled following Karan Johar, Varun Dhawan and Saif Ali Khan's alleged joke on nepotism in Bollywood, at the IIFA awards ceremony.

This article is about the legal profession, which continues to be a bastion of a few privileged and powerful families. Be they advocates or judges, there is a trend whereby the children and grandchildren of senior advocates and judges continue to thrive while first generation lawyers find the entry barriers extremely high and the chances of success tilted against them.

This is not to say that no first generation lawyers join or thrive in the legal profession – there are enough who prove that this can be done. However, no one who is part of the legal profession can deny the absence of a level playing field between first generation lawyers and those who come from a family of legal professionals.

There are three systemic obstructions worth pointing out, most pronounced in litigation as opposed to corporate firm practice. First, the biggest concern of a lawyer who enters the profession is – where will the clients come from? Now, if your dad is a lawyer, this is not a concern for you. You will already have a set office, set clients and someone to give you matters to argue from Day 1.

Most law students prefer to start practice from their hometown so that they can get initial clients based on their contacts and people they know. For anyone who wants to practice in Delhi, Bombay and the high courts or Supreme Court, it is very difficult to pick up one's own clients early on. A few clients here and there is usually not a problem. But beyond that, just hoping that good work alone will fetch you



clients to sustain practice, is utopian.

The time factor is crucial here. Eventually everyone will get enough clients, but if you spend five years doing very small matters and just somehow struggling to get clients, then it's difficult to compete with those who are arguing big matters for big clients from Day 1. This means that the competition between those whose parents pass on their practice to their kids and those who start from scratch can never be on the same footing.

Secondly, there is a systemic entry barrier in litigation practice for those who don't come from financially well-to-do families. The popular conception about lawyers is that they earn well. If we exclude lawyers who go on to work for big corporate law firms, this assumption is far from truth.

Students who end up spending around Rs 5 lakh and more on their legal education are expected to get a job right after law school. Most students

If junior lawyers should not be paid because they learn on the job, then by that logic no one should ever be paid anything because everyone learns something at every job

opt for law firms as they guarantee a certain job and financial security. In litigation, the general rule is that you first join a senior advocate and learn the ropes before starting on your own. Now, the trouble is that today, across the spectrum, seniors pay their juniors very poorly or not at all.

Senior advocates in the legal profession continue to believe that since juniors are learning about the law while working with them, they need not be paid. In a recent interview senior advocate Iqbal Chagla, son of

the legendary MC Chagla, explains why he doesn't believe in paying juniors. With all due respect, I fail to understand this argument.

If junior lawyers should not be paid because they learn on the job, then by that logic no one should ever be paid anything because everyone learns something at every job. Even in the Supreme Court most senior advocates, who earn very well, pay their juniors poorly. This leads to a situation where only students and lawyers from well to do families can continue to practice litigation, while others have to rely on a job with a firm or a bank or be an in-house legal counsel for a company.

A third systemic entry barrier in the profession concerns women and gender discrimination. It is true that the scales of justice are tilted heavily against women in the profession. For the longest time, it was not considered suitable for women to practice in courts. This explains why we have so few women senior advocates and judges in the profession.

Even today, the notion that women are soft, and wouldn't be upto the trials and tribulations of a demanding profession like law, continues to hold sway across towns and cities in India. So clients don't want to engage a female lawyer, unless it's a family law matter. Senior advocates don't give enough opportunities to female lawyers to argue.

Finally, the lack of a work-life balance in the legal profession means that even though a lot of women join the profession, very few stick it out. Those who do, admit of doing so at the cost of their personal lives.

While there is nothing wrong with some added advantages coming the way of those who hail from a legal background, it is pertinent for legal professionals to enquire into and address the systemic causes that prevent smart, talented people from joining the profession. As lawyers, if we can't make the legal profession equal for all, we should not be so confident about championing constitutional values for others.

The writer is a Supreme Court advocate

How I watched my father die: The true cost of road accidents in India, and why they need to be curbed

Neeti Goel



It was the first Sunday of August, an uneventful Sunday. I was having tea at my house in Mumbai when my husband's phone rang. I saw his expression change. In an instant, that Sunday evening, my father went from being a constant presence in my life to one of many fatal road crash victims across the country.

My father, Subodh Kumar Gupta, an affluent industrialist from Chandigarh, had been hit by a 27-year-old man who was driving an over-speeding Rexton SUV. My father flipped in the air and landed on the road with deadly impact. As he lay on the road writhing in pain the driver sped away, not bothering to stop. The rude shock of my father's violent death forced me to face the gruesome reality of the state of road safety in India.

There are seven hit and run cases in India every hour. I have lost count of the number of times I have watched CCTV footage of my father crossing the road, being hit by a car and the driver not even

pausing to see what he did. It has brought out intense emotions in me – anger, sadness and helplessness most of all. I have played the video on loop many times, just to see my dad alive and walking. I fervently hope and pray nobody should ever have to see a video of their parent's brutal death.

But the hard fact is that it is not only about hope and prayers. There are systemic flaws that need to be addressed. India loses over 1,40,000 people in road crashes every year. Behind that

To introduce a stronger legislative framework for road safety, the government introduced the Motor Vehicle Amendment Bill in Lok Sabha in 2016. However, the bill is yet to be passed by Rajya Sabha

staggering number are people, shattered families, broken dreams and endless hours of pain and anguish.

What is most unfortunate is that it doesn't have to be like



this. According to data analysed by SaveLIFE Foundation, in 2015, there were over 25,000 deaths due to overloaded vehicles, over 8,000 deaths due to defective vehicles, while potholes were responsible for over 10,000 deaths. These are things which can be, and should be, rectified without any delay.

We also had to face many procedural hassles when getting the case registered. The attitude of police was very lackadaisical. They didn't take initiative to apprehend the accused. It took them 48 hours to track the car, despite an eyewitness giving them the registration number of the car. We strongly suspect

the driver was drunk. If only the police had apprehended the driver in time and tested his blood alcohol concentration, we would have known if it was a case of drunk driving.

It has been almost 30 years since the Motor Vehicles Act has been updated. Don't let the nomenclature fool you. The Motor Vehicle Act doesn't talk about motor vehicles alone. It is the umbrella legislation to ensure road safety in our country. Issues range across child safety, drunk driving, juvenile accountability, scientific investigation.

With an aim to introduce a stronger legislative framework

for road safety, the government introduced the Motor Vehicle Amendment Bill in Lok Sabha in 2016. However, the bill is yet to be passed by Rajya Sabha.

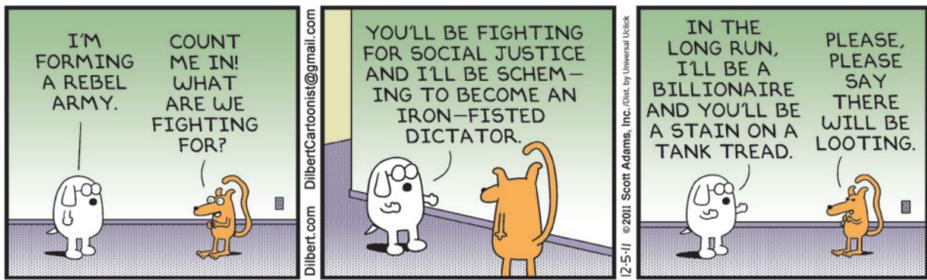
The police booked the young man who hit my father and ran away for 'death due to negligence' under Section 304(A) of the Indian Penal Code. To put this law in perspective Jagruti Hogale, a biker from Mumbai, was killed due to a pothole on Jawhar-Dahanu highway in Maharashtra earlier this year. A case was registered against her as well under Section 304(A) for 'death due to negligence', when she was the victim and it was clearly a lack of accountability on part of the authorities in maintaining roads which killed her.

The new legislation introduces harsher punishments and penalties for erring drivers. Yet at different stages MPs have insisted on diluting them and raised concerns about increase in fines.

Should it be easy to endanger or kill someone and get away? If you ask me, my answer is a resounding NO.

The writer is campaigning to get justice for her father and improve India's road safety

dilbert



Sacred space

Total Vision

So to see something totally, whether it is a tree, or a relationship or any activity that one has, the mind must be free from all fragmentation, and the very nature of fragmentation is the centre from which one is looking.

J Krishnamurti

Dream Big, Focus On Transcendental Thought

Pulkit Sharma

For most of us, thoughts are random and automatic, but they are powerful, too. They seem to come from a certain depth in our being and influence our feelings and actions. We feel somewhat passive in relation to our thoughts as they can quickly change our mood for better or worse, alter the crucial decisions of our life and so have a strong impact on our current and future reality. However, once we start observing our thoughts and introspecting deeply, there comes the realisation that they are not alien at all.

Thoughts mirror our deep-seated formations about who we are and what the world is. These are often misleading, because they are based on the ignorance of our present and previous lifetimes as well as the collective ignorance of humanity. Therefore, our personal evolution can proceed only when we start working with our thoughts in a conscious and active manner.

The science of psychology has found that whatever we mentally pay attention to – whether in a conscious or unconscious manner – we are that, and we end up becoming more like that. That's why, it is advocated that if we can create a mental attitude that is filled with hope, positivity and which anticipates good and favourable outcomes, we will make considerable progress. That's why there is a widespread belief that if you think positively, all your problems will be magically sorted out. But, there is a growing dissent that power of positive thinking is overrated because if the reality does not match one's positive expectations, people experience severe frustration, which may take them downhill. What is the way out, then?

Perhaps, the answer lies in thinking not just positive thoughts, but thinking transcendental. The Yoga Vasistha narrates, that at the end of an epoch

when the universe had dissolved, the creator-god, Brahma, wished to make a new universe. However, he was puzzled to see that several universes, each having its own creator, had already been created. Through inquiry, Brahma became aware that 10 young men, who were sage Kashyapa's sons, had created these universes.

The 10 young men wanted to aspire for that, which would never make them despondent. They realised that neither any positive thought, nor any possession – whether on earth or anywhere in the universe – will bestow permanent bliss on them. The 10 young men concluded that only if they could become divine and attain creatorship of the universe, they would attain eternal joy. Thus, they contemplated that they are Brahma, who is liberated and full of Self-knowledge and that creation exists within them. Lo and behold, they became creators of different universes.

At its pinnacle, the thought is omnipotent. When the sage's sons could become creators through intense aspiration, we can also explore the unknown and untapped power of thought. Why should we limit ourselves to wishing for a good job, health, peaceful mind, confidence, harmonious relationships and meaningful life? Why not dream big, the best possible way? Why not contemplate that transcendent point where there is no division between oneself and Divinity?

If we can live in such a reality eternally, there will be pure bliss. Just concentrate on creating this omnipotent thought form by constantly reminding yourself that everything, big or small, living or non-living, past or present is Brahm, Universal Consciousness. (The writer is a clinical psychologist.)

Post your comments at speakingtree.in. The Speaking Tree is also available as an 8 page newspaper every Sunday for Rs 3. Book your copy of The Speaking Tree with your newspaper vendor or SMS TREE to 58888.



the speaking tree