

### Steadying hand

By holding policy rates, the RBI shifts focus to the government to give a fillip to growth

The Reserve Bank of India's Monetary Policy Committee has since inception retained its unwavering focus on its primary remit: the preservation of price stability. It follows then that the central bank's rate-setting panel opted to leave benchmark interest rates unchanged and retain a neutral stance to achieve the medium-term target of keeping Consumer Price Index inflation close to 4% on a durable basis, while supporting growth. Spelling out the rationale for the decision, the MPC felt that with global crude oil prices having "firmed up further" amid a pick-up in demand and tighter supplies in the wake of OPEC's production cuts, the threat of upward pressure on accelerating inflation has increased appreciably. Add to this the uncertainty posed by the prospects of weaker-than-anticipated kharif crop output and the impact this may have on food prices, and the concerns agitating policymakers will be evident. There are also the not-so-small matters of farm loan waivers by States that could roil the quality of public spending and exert price pressures – as well as the question of when States may decide to implement their own salary and allowance increases in the wake of the Centre's Seventh Pay Commission implementation.

As the statement accompanying the rate decision points out. CPI inflation has risen by around two percentage points since the MPC's last meeting in August: from 1.46% in June 2017, to a provisional 3.36% in August. The RBI's September survey of household inflation expectations too has shown in qualitative responses a marked uptick in the proportion of respondents expecting the general price level to increase by more than the current rate. The welter of domestic pressure points on prices has also coincided with, in the MPC's words, "an escalation of global geopolitical uncertainty and heightened volatility in financial markets due to the U.S. Fed's plans of balance sheet unwinding and the risk of normalisation by the European Central Bank." In the face of such a "juxtaposition of risks" to the outlook for price stability, the overwhelming majority of the MPC's six members saw little choice but to hold rates; there was a solitary dissent vote for a 25 basis points cut. The RBI's policymakers simultaneously raised their inflation projection for the second half of the current fiscal to a 4.2-4.6% range and cut the estimate for real Gross Value Added growth this year to 6.7%, from the August forecast of 7.3%. Reiterating the urgent imperative to "reinvigorate investment activity" to spur growth, the MPC has laid the onus squarely on the government's shoulders: from suggesting the recapitalisation of stressed state-owned lenders, to calling for further simplification of the GST regime and urging that stalled public sector investment projects be restarted. The baton has been passed and now it is for the Centre to do the running.

### Awestruck

The Nobel Prize for Physics is a recognition of a project involving a rare kind of coordination

The 2017 Nobel Prize for physics has been awarded to the LIGO-VIRGO collaboration for their detection of gravitational waves arising from the merger of two black holes. Gravitational waves are ripples in the fabric of spacetime caused by cataclysmic events in the universe such as colliding black holes or neutron stars. Though extremely violent, when these disturbances reach far-off regions in space and time the signals are weak and require extremely sensitive detectors to sense them. The very first detection of gravitational waves was made in September 2015, a signal of a black hole merger 1.3 billion years ago. In other words, the signals took that long to travel to Earth. Hence the observatory offers a way of looking back in time to unravel mysteries pertaining to the early days of the universe's existence. Since then, the LIGO-VIRGO collaboration has detected such signals four times. Just as astronomy offers a way of mapping the visible objects in the universe, gravitational wave astronomy is now a science of the near future whereby black holes, neutron stars and more such objects may be mapped. Rainer Weiss, who identified sources of noise that could drown the signal, gets one-half of the prize. Barry C. Barish's main contribution in scaling up the project and Kip Thorne's vision in guiding the large group of researchers are no less important, and in fact are aspects that capture the marvel of coordination in the LIGO-VIRGO collaboration.

An example was the effort made to bring some coherence into the source modelling. Even though the detector had been built and was functional, the theory had to be developed. In order to coordinate this, Dr. Thorne invited researchers from around the globe to Caltech in the United States, and over a year and a half thought about the models of the source that had to be calculated. An ensuing paper published in Physical Review Letters, titled "The Last Three Minutes", described issues of source modelling. Several Indians, including Bala Iyer and Sanjeev Dhurandhar, were involved in this work. It was then that Dr. Thorne realised that numerical models of relativity that could be fed into the computer and solved were needed. He roped in groups from the U.S. and Germany to develop numerical gravity. In addition to two detectors of LIGO, the Advanced VIRGO came online on August 1 this year. The advantage of having three detectors is that the location of the source can be determined more accurately. With the Japanese KAGRA detector set to go online in 2019 and LIGO India set to join in 2024, the possibility of using gravitational wave astronomy to look back in time, at the very origin of the universe, becomes a real possibility. When realised, this operation would owe, in no small measure, to the time spent in organising and focussing, even directing, the efforts of the large group of researchers, num-

# Gathering clouds over West Asia

If the U.S. refuses to certify Iran's compliance on the nuclear deal, it will provoke a new spell of uncertainty



SHASHANK JOSHI

est Asia is in a period of heightened uncertainty. In powers are scrambling to fill the vacuum created by the steady dismantling of the Islamic State's sham caliphate across Syria and Iraq. Kurds, buoyed by their pivotal position in this race to Raqqa, have held an independence referendum, drawing the ire of their Iraqi, Turkish and Iranian neighbours, with every chance of a conflagration in disputed, oil-rich areas such as Kirkuk. Turkey continues its authoritarian descent, as its relations with Europe grow sourer by the day. In the Persian Gulf, a crisis within the Gulf Cooperation Council (GCC), pitting Saudi Arabia and the United Arab Emirates against maverick Oatar, has entered its sixth month, with no sign of resolution. Within Saudi Arabia, the young and ambitious heir to the throne, Mohammed bin Salman, is experimenting with an unpredictable mix of reform and repression, with women permitted to drive at the same time as dissident poets, clerics and intellectuals are carted

#### October milestones

However, the biggest shock of all may lie ahead of us. The Joint Comprehensive Plan of Action (JCPOA), a nuclear deal agreed between Iran and six major powers, will celebrate its second anniversary on October 18. It was, and remains, a landmark piece of diplomacy, which recognised Iran's right to enrich uranium in exchange for a battery of tough, but time-bound, lim-



its on nuclear activity. Through an adroit mixture of pressure, incentives and dogged diplomacy, it defused a crisis that had burned since the 1990s, threatening to spiral into a war in the 2010s. Nevertheless, conservative forces in Israel, the Arab world, and the U.S. denounced the agreement. They complained that it did not address Iran's non-nuclear behaviour, such as support for Hezbollah and other militant organisations, and that the "sunset" clauses, which progressively relax the constraints on Iran over the next three decades, were too generous.

Last November, one of these critics won the U.S. presidency. In his inaugural speech to the UN General Assembly, Donald Trump called the deal "one of the worst and most one-sided transactions the United States has ever entered into". Mr. Trump and members of his administration have repeatedly, but falsely, claimed that Iran is violating the agreement. On October 15, he must "certify" Iran's compliance. If he refuses to do so, it would open the way for the U.S. Congress to re-impose sanctions on Iran, which would automatically violate the agreement.

True to his reality show past, Mr. Trump has declared that he has made his decision, but will not reveal it even to close allies who have

asked him, such as British Prime Minister Theresa May.

If Mr. Trump tears up the agreement, all is not necessarily lost. In a recent interview, Iranian Foreign Minister Javad Zarif noted that Europe's reaction "will have extremely important ramifications for the future of the deal". The U.K., and the France, Germany European Union have all expressed their categorical support. If the U.S. re-imposes so-called secondary sanctions, which cover foreign companies, Europe would most likely take legal and diplomatic steps to protect its substantial commerce with Iran, even at the cost of a transatlantic crisis.

In the first half of this year alone, EU-Iran trade stood at around \$12 billion, a 95% increase over the same period last year. This is roughly thirty times larger than U.S.-Iran trade. European banks, manufacturers and energy companies have also signed dozens of major agreements with Iran over the past year. The EU has jurisdiction over the SWIFT network for cross-border banking transactions. Iran was cut off from this network for four years, but Brussels would resist any U.S. demands to do so again. China, Iran's main trading partner, and Russia, Iran's military ally in Syria, would defy U.S. sanctions with even greater enthusi-

a \$10 billion line of credit to Iran's banks, denominated in euros and yuan, with another \$15 in infrastructure projects. In short, it would be virtually impossible to rebuild today the broad, multinational sanctions regime that helped push Iran to the negotiating table during 2013-15. If Iran were therefore persuaded that its re-integration into the world economy could continue regardless, this would be a powerful incentive for Tehran to abide by the JCPOA.

#### The other scenario

However, a less happy scenario is equally possible. If the deal collapses, Tehran is unlikely to expel inspectors entirely, as Iraq did in 1997, or withdraw from the Nuclear Non-Proliferation Treaty (NPT), like North Korea in 2003. Such steps would undercut Iran's professions of peaceful intent and cede the moral high ground. Iran would, however, consider re-starting the nuclear build-up that it had halted after an interim deal in November 2013. Prior to this point, Tehran was rapidly accumulating centrifuges and stockpiles of enriched uranium, such that it could "break out" - accumulate enough fissile material for a nuclear device within a few months, had it chosen to do so. Absent diplomacy, Iran might have shrunk that time to weeks or days, which would have made it hard - perhaps prohibitively so – to detect any Iranian dash to a bomb. If sanctions were the West's way of pressuring Iran, nuclear build-up was – and could once more be – Iran's own bargaining

Certainly, Tehran would have to have to balance the advantages of this course against the risks that it would provoke Europeans into siding, reluctantly, with Washington, and that it may push the U.S., Israel, or both, into a preventive war.

ways kept the military option on the table, his threshold for the use of force is likely to have been considerably higher than that of his erratic, impulsive successor. It is not clear how Iran's segmented leadership - divided between elected president and autocratic Supreme Leader - will weigh these factors, but the probability of an armed conflict would rise sharply if Mr. Trump walked away.

### Futility of war

Not only would a war fail to eradicate Iran's nuclear know-how, it would have far-reaching regional consequences. Iran's Revolutionary Guards could unleash Shia militia against U.S. troops in Iraq, and expand support to Afghan insurgents just as Mr. Trump's surge gets underway. Saudi-Iran tensions would spike, and the risks of a U.S.-Russia confrontation in West Asia would jump dramatically. More broadly, abrogation of the JCPOA would be devastating for Washington's credibility in future diplomacy. All this would be unwelcome news for India. While Indian imports of Iranian oil have been falling regardless, the Chabahar project, scheduled for completion next year, could face fresh obstacles. Iran-Pakistan relations may also shift unpredictably, and in ways that work against Indian interests.

Foreign Minister Sushma Swaraj is likely to have conveyed these concerns to her U.S. counterpart, Rex Tillerson, at their meeting in New York in late September - but Mr. Tillerson, publicly humiliated by his President on Twitter days ago, appears peripheral to American foreign policy. And so we await the judgment of the mad king.

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## The terms of consent

In the Farooqui verdict, the focus has been shifted from what the woman said to what the man understood



The recent judgment of the Delhi High Court in the case of Mahmood Farooqui v. State (Govt of NCT of Delhi) is a stark illustration of the law's resistance to change. The stickiness of law embedded within the dominant social, cultural and sexual norms often defies the logic and objective of legal reforms, leaving us with definitely more law, but hardly more freedom or justice. In 2013, significant amendments were made to the rape law provisions in the Indian Penal Code, 1860 (IPC), including the introduction of the definition of consent in rape cases at the behest of feminists. But the high court, with its anti-feminist interpretation, has completely negated the objective and intent of the definition of sexual consent.

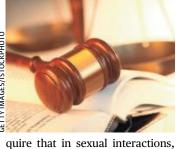
### Conservative interpretation In overruling the trial court de-

cision delivered last year (which radically recognised rape as loss of control over one's sexuality), the high court has yet again established the rigidity and fixity of the conservative legal framework. What we are left with are the same old stereotypes of an ideal rape victim, real rape, real resistance and

The 2013 amendments defined consent as "an unequivocal voluntary agreement when a woman by words, gestures or any form of verbal or non-verbal communication, communicates willingness to participate in the specific sexual act." Absence of physical resistance, it is clarified, would not by itself amount to consent. The objective behind the incorporation of this definition in rape law is to make woman the subject of law. Without the woman's communication of "willingness to participate", the "unequivocal voluntary agreement" which constitutes consent between sexual partners cannot be effected.

This definition is placed alongside the expanded meaning of rape. The 2013 amendments also introduced clause seventhly in Section 375 which states that a man would be said to have committed rape, if the woman "is unable to communicate consent."

In its narrow conception, this may refer to situations when one is not able to communicate due to some physical or mental infirmity. But broadly construed, this can also include situations where the woman is not given the space to communicate and be heard and therefore she is unable to communicate. The latter reading of the clause strengthens the definition of consent. When read with the requirement of "unequivocal voluntary agreement", it mandates that sexual acts are not performed in callous disregard of the woman's desire. In other words, it would re-



the woman is assured the space and time of forming and communicating consent for specific sexual

### Feminist shift

Within this understanding, the burden of reaching the "unequivocal voluntary agreement" is equally shared by the sexual partners. In as much as the woman is supposed to express willingness to participate in the act, the man is also required to be responsible and sincere in understanding and appreciating what is being communicated. Far from appreciating this radical rupture in understanding consensual sexuality, the Farooqui verdict comes nowhere close to imagining freedom for the woman in sexual interactions. Instead, the feminist shift in the jurisprudence of consent stands undone in multiple ways.

Resisting feminist reforms, the verdict displaces the woman and reinstitutes the man as the subject of law. At the heart of the court's reasoning was not what the woman said, but what the man under-

stood: "even if the act was not with her consent, she actually communicated something which was taken as a consent by the appellant." The decision thus marked an erasure of the woman's voice in matters concerning her sexuality. Even the questions raised by the court were framed from the point of view of the man: "whether the appellant mistakenly accepted the moves of the prosecutrix as consent; whether the feelings of the prosecutrix could be effectively communicated to the appellant and whether mistaking all this for consent by the appellant is genuine."

Further, according to the court, "the unwillingness of the prosecutrix was only in her own mind and heart but she communicated something different to the appellant... At what point of time, during the act, did she not give the consent for the same, thus, remains unknown and it can safely be said that the appellant had no idea at all that the prosecutrix was unwilling. It is not unknown that during sexual acts, one of the partners may be a little less willing or, it can be said unwilling but when there is an assumed consent, it matters not if one of the partners to the act is a bit hesitant. Such feeble hesitation can never be understood as a positive negation of any advances by the other partner." In creating the category of "assumed consent", the verdict re-inscribes male subjectivity in the domain of sexual consent. It reinforces the male privilege to assume consent based on dominant perceptions of the woman's behaviour and reactions. And the misogynist myths of popular culture – cheekhegi, chillageyi par haseena maan jayegi - constitutive of the "assumed consent" remain uncontested. Aren't such assumptions about consent nothing but a reckless disregard of the

In its shocking endorsement of the misogynistic and sexist idea that "no" may mean a "yes", the court completely failed to appreciate the import of the "affirmative model" of consent. Describing sexual interactions as "act of passion, actuated by libido", the court in a regressive and reductive move almost characterises sexuality as a racy affair of confused desires which becomes all the more difficult to grasp on account of differences in gender relations. In this framework, a disproportionate burden is placed on women (particularly, "intellectually/ academically proficient" women) to be loud (not feeble), assertive (not hesitant) and display "real resistance" (not feeble disinclination). But it is never asked why and how the man is left to make assumptions? Why is he never required to be certain, clear and sure about his belief and understanding of the woman's verbal and non-verbal communications? Why is the man not expected to ask, understand, hear (not assume) and respect consent?

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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.

### **Murder in Vegas**

The heinous incident in Las Vegas is undoubtedly the deadliest of mass shootouts in U.S. history. As the world grieves over the ghastly incident, what is wont to raise an eyebrow or two is that the local police have described the incident as "domestic terrorism" - as if it somehow dilutes the gravity of the attack. What shocks us is that the killer had in his possession a cache of arms and ammunition which points to a pathetic laxity in the U.S.'s gun control regime. No one can refute President Donald Trump's stand that the attack is 'an act of pure evil' but the grim truth is that considering his unabashed support for gun rights, he should be partly shouldering some of the blame for the attack. It does not need a soothsayer to predict that unless the U.S. has stringent gun control laws in place, there could be

many more such gruesome shooting sprees (Editorial -'Carnage in Vegas", October 4). NALINI VIJAYARAGHAVAN,

■ It is heartening that Australia wants to play Good Samaritan by offering to help the U.S. reform its

gun laws after a successful two-decade clampdown on firearms in the wake of its own worst mass shooting. The U.S. stands to gain a lot from Australia's rich experience of its 1996 buyback scheme and subsequent ban on automatic and semiautomatic weapons. It is high time the White House heeded international calls to reopen the debate on tighter gun controls. S. VAITHIANATHAN,

On the economy The Reserve Bank of India has over time proposed a

problems of nonperforming assets, restructuring loans, carrying out reviews of asset quality, acting against promoters and taking over defaulting firms. However, none of these has met with the desirable objective to curb NPAs, which are a significant percentage of most bank loans. The idea of a Public Sector Asset Rehabilitation Agency (PARA) or so-called "bad bank" is not only promising but optimistic as well ("In need of a psycho-economic boost", October 4). But capital requirement poses a challenge. Demonetisation, which was expected to grant the government extra fiscal stimulus for the constitution of a bad bank to absorb all stressed assets. has failed. SHIVANKEE SAHU,

number of steps to fight the

■ The point in the article,

Haridwar, Uttarakhand

"Tackling the economic slowdown" (October 3), that greater public investment is needed is interesting. But I wonder how much is needed. Public investment keeps on happening whether the times are good or bad. The drastic drop in GDP in the last quarter, following the trend of previous quarters, should mean that public investment too has practically dropped. I wonder if that has happened. I feel the problem and the solutions have two parts – post- and pre-demonetisation. A major revival can take place and quickly enough if the government abandons its strange fix on the informal economy and its efforts to dry it. It must realise that the informal economy is the way India lives and thrives. Accordingly, it must remonetise the economy fully to pre-November 2016 levels and allow the

tidings must be addressed separately and individually. The second part is about what happened in the three quarters prior to the note ban. They require separate analysis and measures. M. BALAKRISHNAN,

informal economy to come

into full play. Its negative

The Kerala march The BJP appears to be determined now to 'make a mark' in Kerala by trying to alter the State's social fabric. The right wing should know that those from Kerala are closely knit irrespective of religion, caste, creed or belief. Of course there have been 'political killings', but the common man has never blinked an eve at these incidents in the knowledge that these are political. The ruling dispensation may try hard to use the power of the social media handled by its dedicated

team of IT professionals and the money of corporate houses on its rolls, but the common Malayali will be hard to convince ("BIP president flags off Janaraksha Yatra in Kerala", October 4) VARGHESE GEORGE,

■ The Janaraksha Yatra appears to be getting support in north Kerala, considered as the home turf of Kerala's communist movement. The BJP may be successful in creating a new narrative which showcases the party as a victim of political violence. With more Union Ministers and Chief Ministers of BJP-ruled States expected to lead the yatra in the days to come, one needs to see whether this movement translates itself into votes by 2019. GANESH PUTHUR,

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bering over a thousand.