



Whose privilege?

Legislatures must not invoke power to punish for breach of privilege

The Karnataka Assembly's resolution imposing a one-year prison sentence and ₹10,000 fine on the editors of two tabloids is indefensible and deserving of unsparing criticism. The Constitution confers certain privileges on legislative institutions with the idea of protecting freedom of speech and expression in the House and ensuring that undue influence, pressure or coercion is not brought on the legislature in the course of its functioning. Unfortunately, breach of privilege is invoked for the ostensible reason of protecting the image of the House on the whole or its individual members; too often, it is a thinly disguised mechanism to insulate elected representatives from criticism. Without a law codifying the legislative privileges, there is little merit in subjecting anyone, leave alone a journalist, to penal action for allegedly breaching a legislator's privilege, unless there is a move or attempt to obstruct the functioning of either the House or its members. The articles concerned were published in *Hi Bangalore* and *Yelahanka Voice* and were referred to the Privileges Committee in 2014. Whether what Ravi Belagere and Anil Raj, the editors of the two tabloids, published was fair comment or unfair criticism is not germane in this case. What matters is that by no stretch of the imagination could the articles have impeded the independent functioning of the three legislators who had complained against them. If the members felt defamed, they could have opted to pursue an appropriate judicial remedy in their individual capacity.

The legislature must use the power to punish for contempt or breach of privilege sparingly, invoking it mainly to protect the independence of the House and not to take away the liberty of critics. Legislators are in a position to clarify facts and refute misconceived criticism. There is no reason for them to seek imprisonment for contempt. There are many unsettled questions about the very nature of legislative privileges. The absence of codification gives the House the freedom to decide when and how breach of privilege occurs. Even if it is conceded that the House has such a right, a moot question is whether the legislature, through its Committee of Privileges, should be a judge in its own cause. Whether the legislature's power to punish for breach of privilege extends to handing down a prison term is still an open question. The time has come for the legislature to codify privileges and for the higher judiciary to lay down the limits of penal action for breach of privilege. The Karnataka government must consider the public odium it would attract if it acted on the resolution. If the Chief Minister and the Speaker take the lead in getting the Assembly to rescind the resolution, that would better safeguard the dignity of the august House.

Being smart

Any attempt to improve our cities depends on how data are compiled and shared

The Centre would like us to believe that the Smart Cities Mission will transform urban life in the agglomerations that enter the elite club. With the latest inclusions, there are 90 cities in the list, each of which proposes to turn 'smart', utilising core funding from the Centre and other resources. By all accounts, the provision of basic services in urban India has been worsening, and this is clearly reflected in the winning city proposals: 81 of the selected plans seek funds for affordable housing, new schools and hospitals, and re-design of roads. This is at best a partial list, and there are many more aspects to achieving inclusivity. There is a high-visibility campaign around the Smart Cities Mission, but there is little evidence to suggest that State and local governments have either the fine-grained data or the capability to analyse them in order to understand the evolving needs of their communities. The Centre has apparently decided to skirt such a fundamental problem by adopting a 'managed urbanisation' approach in the chosen cities, with the powers of municipal councils delegated to a Special Purpose Vehicle (SPV), under the Companies Act, that will act in its own wisdom. Given that this is the model adopted by the two-year-old Mission, the Centre must present a status report on what the SPVs have achieved so far.

Any serious attempt at improving the quality of life in cities would depend on how governments approach data. It would be smart, for instance, to use sensors to estimate the flow of vehicles and pedestrians, and create smartphone applications for the public to report on a variety of parameters. Making such data open would enable citizens' groups to themselves come up with analyses to help city administrators make decisions, boost transparency and make officials accountable. There are several international examples now, such as the Array of Things sensors being installed on Chicago streets, which let people download the raw data on air quality, transport, pedestrian movement and standing water. Although India's Smart Cities Mission has identified more than 20 priority areas, interventions by the respective agencies are weak. Access to special funding should make it mandatory for all public transport providers – city bus corporations, Metro Rail and suburban trains – to provide real-time passenger information in the form of open data, an inexpensive global standard that raises both access and efficiency through smartphone applications. Making street-level waste management data public would lead to a heat map of the worst sites, compelling managers to solve the problem. Clearly, there is a lot of low-hanging fruit on the road to smartness, and a nimble policy approach can tap this quickly. More importantly, the ideology that guides the plan should recognise that the vibrant life of cities depends on variety and enabling environments, rather than a mere technology-led vision. Pollution-free commons, walkability and easy mobility, with a base of reliable civic services, is the smart way to go.

New colours of the White House

Prime Minister Narendra Modi will have an opportunity to shape President Trump's basic views on Pakistan



SHASHANK JOSHI

As Prime Minister Narendra Modi prepares to meet President Donald Trump for the first time, today in Washington, there is a sense that the favourable winds that carried the India-U.S. relationship over the past 10 to 15 years may be changing. In its first six months, the Trump administration's radical and nationalistic approach to international affairs has already touched India in important areas, from visas for skilled workers, to climate change, to Iran policy. After an era in which successive American Presidents were persuaded to forego short-term pay-offs for longer-term economic and diplomatic investment in India, we now have an incumbent whose foreign policy imperative is to secure a pound of flesh – and to do so in the here and now. "The world is not a 'global community'," noted two of Trump's advisers in a *Wall Street Journal* oped this month, summarising the President's worldview, declaring that they embraced "this elemental nature of international affairs". This undoubtedly throws up new challenges for India. Yet there are three important things to keep in mind when looking at the path ahead.

Three indications

First, the India-U.S. relationship has its own mass and momentum. While the grand gestures of the past decade may be more difficult to achieve, the relationship is likely to remain robust. While the whims of the President and his most radical advisers will buffet particular



areas – such as trade, immigration, and climate change – more pragmatic cabinet ministers are not without influence. Most significant here is the so-called Axis of Adults, comprising Secretary of State Rex Tillerson, Secretary of Defence James Mattis, and National Security Advisor H.R. McMaster.

While this trio has been under-cut more than once – sometimes quite brutally, as when Mr. Trump removed a crucial reference to the North Atlantic Treaty Organisation's collective defence clause from a major speech – they continue to exercise power over their own domains, on issues that do not necessarily rise to presidential attention. This is especially true of the Pentagon, which is vested with considerable executive authority, but also of weaker departments. The State Department's decision to authorise the \$2 billion sale of nearly two dozen predator drones to India, significantly augmenting the Indian Navy's unmanned aerial capability, is an important signal in this regard. Such a sensitive platform might have been used as leverage to secure Indian concessions in areas where the administration was seeking a change in India's behaviour – say, Iran – but the positive trend in defence sales looks set to continue. Progress in the joint working group in aircraft

carrier technology, which involves much more far-reaching technology transfer, will be an important test of this over the medium term.

The record so far

Second, there is now a template for how foreign leaders can manipulate Mr. Trump to their own ends. We have two useful illustrations of this: China and Saudi Arabia. China, criticised in vituperative terms by Mr. Trump on the campaign trail, persuaded the President not only to swallow the bowdlerised history that Korea "used to be a part of China", but also that Beijing was making every effort to address North Korea's nuclear programme. In doing so, it induced Mr. Trump to soft-pedal on the South China Sea – the administration blocked at least three requests by the U.S. military's Pacific Command to conduct freedom of navigation operations, before the first one was allowed to go ahead in late May – and delay arms sales to Taiwan. On June 20, the President declared that this policy of relying on China "has not worked out", but expressed gratitude to Beijing for trying. It's too early to conclude that the Chinese approach to Mr. Trump has entirely succeeded, because a sixth North Korean nuclear test could clearly upend this détente. However, China has man-

Last wicket stand

The failure to make a visible impact on how cricket is governed in India is extremely worrying



DESH GAURAV SEKHRI

The Supreme Court's move to appoint a committee of administrators (CoA) in January this year to govern and reform cricket was expected to salvage a sport, which despite its national team's on-field success, has devolved into a mess – one where there are conflicts of interest and lapses in ethics. Now, six months later, it is the CoA that is making news for the wrong reasons, compounded by the controversy between the coach and the captain, and the explosive resignation of one of its administrators, Ramachandra Guha, earlier this month. What's most disturbing about the spate of recent controversies is that the objective of the Justice R.M. Lodha Committee's recommendations – the basis on which the Supreme Court had made its historic ruling – to tackle the breakdown in ethics caused by potentially compromising conflicts of interest, remains undressed.

The CoA's challenges, and at times helplessness, have been exacerbated by the initially stolid defence of the State bodies, now replaced by open defiance. A case in point is the presence of none other than N. Srinivasan at the special general meeting of the Board of Control for Cricket in India (BCCI) on June 26 on behalf of the Tamil Nadu Cricket Association, with the CoA having said that it is not mandated to decide on anyone's eligibility to attend meetings. With one administrator, Mr. Guha, already out, and another, Vikram Limaye, due to leave shortly, Indian cricket now faces a crisis of leadership and confidence. And the real work has not even begun.

Lost purpose?

The 'superstar culture' aside, the priority category of individuals for whom the Lodha Committee reforms were set into motion – the players and former players – ironically may be worse off. The long-awaited, and staunchly resisted by the BCCI, players' association is expected to come into being shortly, but logistics and its actual purpose will be far more complicated than merely putting the construct into place. There is also the issue of whether or not it will be supported, both financially and practi-



cally, by the BCCI and the State associations. There is also the prickly issue, and one referred to in the resignation letter by Mr. Guha, of the CoA deciding not to increase the overall remuneration percentage for domestic cricketers from 26% of the BCCI's revenue. The hovering conflict of interest, ambiguity and insinuations that led to the controversy of a 'superstar culture', also dragging in the duality of roles with the Indian Premier League as mentors, haven't helped matters either.

A domino effect

There is a much larger impact that the CoA's success or failure can have than just on cricket. The future of reform in sports governance and administration in India is dependent on the outcome of

aged to dramatically moderate Mr. Trump's hostility and buy a period of calm. Another, even more stark, example comes from West Asia. In recent weeks, Saudi Arabia and the United Arab Emirates have persuaded Mr. Trump to enthusiastically tweet his support for their economic and diplomatic assault on Qatar, a country which hosts more than 10,000 American troops and the forward headquarters of Central Command, over its policies towards the Muslim Brotherhood and Iran. Mr. Trump was persuaded of this despite the State Department's urging that the dispute be settled quickly and amicably, and the risk to disruption of U.S.-led military operations against the Islamic State at a crucial time in the battle.

These two cases have a few things in common. For one thing, they involve foreign leaders personally cultivating Mr. Trump. "After listening for 10 minutes," Mr. Trump declared following his April meeting with Chinese President Xi Jinping on North Korea, "I realised that it's not so easy." Mr. Xi achieved the best of both worlds: persuading Mr. Trump that Chinese influence was limited, thereby insulating China from the consequences of failure, but also securing Mr. Trump's goodwill for his efforts. Mr. Trump's meetings with Saudi Arabia's King Salman, and now Crown Prince Mohammed bin Salman in Riyadh in May were also likely to have been important in winning his subsequent backing for the campaign against Iraq.

Mr. Trump is credulous, impressionable, and narcissistic. China and Saudi Arabia succeeded in framing their behaviour as being, first and foremost, an effort to address one of the President's personal priorities – North Korea in the first instance, and terrorism in

the second. By contrast, the U.S.'s allies in Europe and Japan have struggled to craft a similar narrative.

The South Asian matrix

Third, more important than what President Trump does for India may be what he does not do. The Qatar crisis has shown that he cares little for shibboleths such as regional stability, mutual restraint, and dispute resolution. He respects power and those who wield it, oftentimes regardless of the end result. For better or worse, this may open up new space for India's posture towards Pakistan, which has over the past year evolved in a significantly more coercive and risk-acceptant direction. The Obama administration's sympathetic approach to last year's so-called surgical strikes showed that U.S. policy was anyway shifting in the direction of giving greater latitude to New Delhi. As the ceasefire on the Line of Control collapses and the Kulbhushan Jadhav crisis festers, the prospect of a militarised Indian response to another terrorist attack rises.

It's by no means certain that Mr. Trump will take a hands-off stance in such a scenario. After all, Israeli leaders have been unpleasantly surprised by the interest that he has taken in the Israel-Palestine dispute, despite his broadly pro-Israel stance. But Mr. Modi will have an opportunity to shape Mr. Trump's basic views on Pakistan, and at a formative moment for his administration's Afghan policy. This may well be where Mr. Modi chooses to focus his efforts, leaving thornier subjects for the coming years.

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cricket's overhaul. The Supreme Court is already mulling a petition across numerous sports, asking for the Lodha Committee reforms to be adopted across federations. It has sent a notice to the Central government on the basis of the petition. But there will be reform elsewhere only on the basis of this precedent. If the CoA fails, then so may any future reform in any Indian sport. Endless delays and ineffectiveness will also stall the momentum of an imminent, revised national sports code and a vital national sports law. If a direct mandate from the Supreme Court putting the CoA in charge of the BCCI is unable to make any headway towards better governance and player representation, then the code or statute will be even further away from implementation.

Difficult stretch ahead

The Lodha Committee recommendations became the beacon for reform across sports in India, championing the cause of sportspersons, transparency, and ethics. The failure to make a visible impact on how cricket is governed, and instead finding itself in a myriad controversies stemming from how little has been achieved is extremely worrying. The pressure is already increasing, with the

Central Information Commission now asking the CoA for transparency in the BCCI's affairs.

Instead, the bickering over the 'acceptable' reforms continues with the State associations as if a negotiation is actually possible within the reforms. Another hearing before the Supreme Court on July 14 may set aside any further legal recourse for the State associations. Perhaps the CoA can then flex its muscles more effectively. But for now, the only casualty in the hotly debated move to reform the BCCI and set a pattern for ethical governance across sports in India is the hope of actual reform. Instead of ambiguity about its mandate and role, the CoA needs clarity of thought and resolve, and must focus on its prime objectives – the universal adoption of the Lodha Committee's recommendations, making cricket transparent and protected from potentially harmful conflicts, and restoring cricket to its players and fans. With a finite specified tenure and mandate, and a clear path to eligible elections, much can be salvaged. It's vital, because a lot hangs in the balance of the outcome.

Desh Gaurav Sekhri is a sports attorney and author

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.

Rapid descent

The lynching of Mohammed Ayub Pandith highlights the dangers that the police in Kashmir face today, whether from gun-wielding militants or locals disgruntled with the Indian state ("Killing of officer a sign of things to come in Kashmir", June 25). That policemen should be the targets of terrorists is a well-known strategy but people joining in the lynching of someone, on one of the holiest days in the Islamic calendar, is self-speaking evidence of how far the dehumanisation of Kashmir has proceeded. In the past three decades, more than 1,600 police personnel have sacrificed their lives in Jammu and Kashmir. Isn't it the time for all 'conscience-keepers of Kashmir, particularly separatist leaders and clerics, to stem this rot which threatens to tear apart an already overstrained social culture of tolerance'?

K.S. JAYATHEERTHA, Bengaluru

■ The turbulent situation in the Kashmir Valley is showing no signs of

abatement as the mistrust between the public and the State is widening with every passing day. There seems to be no concrete action plan as claimed by the Home Minister umpteen times. Managing the Kashmir Valley should not be construed as the responsibility of one government or party alone. It is a national problem and the BJP government needs to call for an all-party meeting to chalk out a strategy.

V. SUBRAMANIAN, Chennai

A wave of waivers

The agrarian crisis has reached its zenith largely due to climatic change and economic factors. The wave of crop loan waivers are not a permanent solution. Several structural measures such as attention to pricing, procurement and public distribution are called for. Money has to come from somewhere and in the long term, loan write-offs will come to bite all of us in one way or the other in the form of unpredictable costs.

KIRANPAL SINGH, Khurdan, Nawanshahr, Punjab

■ The waiver of agricultural farm loans does not make any financial sense. We do not seem to be diagnosing the issue as well. What is it that is making these farmers suffer and resulting in them being unable to repay the loan? Does it have to do with the unscrupulous middleman consuming the farmer's fair and rightful share of his profit? The government needs to step in and encourage farmers to work for their rightful share of profit and their daily bread by mercilessly removing all middlemen from the system. Agriculture needs to be recast in a radical way.

K.S. RAMACHANDRAN, Chennai

Border crossings

It is appalling to know that children in the border villages on the Indian side go to schools in Bangladesh and study books prescribed by the National Curriculum and Textbook Board of Bangladesh (Magazine - "Villages without borders", June 25). It would do immense good for the country if the Border Security Force, instead of

concentrating on stopping the smuggling of items such as "one kilogram of salt", establishes a primary school and a basic health centre for each group of villages on the border. It must ensure that Indian education is imparted to these children and the medical needs of the border population taken care of. This will earn the BSF the respect and the goodwill of these villagers and ensure that the local people cooperate with the security forces in times of need.

K. CHANDRAMOULI, Hyderabad

Planned privatisation

One is bemused if somewhat dismayed at the veritable "glee" with which most of the media have greeted the news of Air India's proposed privatisation. Nearly all the talking-head policymakers and economists are cheering the government on to expedite the matter. All this should seem, in the eyes of an informed and sensible citizen, far too illogical and opportunistic. First, amid the din to egg the government on to sell the airline, the voices of its

harried workforce have been largely muted. Air India is gaining a number of new passengers with its convenient West-bound flights and on account of recent problems afflicting Western and Gulf-based carriers. Second, if the experts are asking the government to structure the "deal" so that the investor gets the plum portions and the government holds the debt, why not indeed offer the same package to the airline? If that is done, it will

be back in the black in no time. The experts – for whom privatisation is the panacea that solves all public ills – ought to look at the mismanagement of British Rail after being privatised or how British Airways and Lufthansa are not exactly covering themselves with glory even after a brief spell of post-privatisation growth.

I. SINHA, Philadelphia, U.S.

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CORRECTIONS & CLARIFICATIONS:

A report about medical counselling in Tamil Nadu (June 25, 2017, some editions) erroneously said in the headline that the counselling was to start on July 27. It should have been July 17.

The headline, "Revoke DMK MLAs' suspension" (front page, some editions, June 24, 2017), should have read: "TN Assembly Speaker recommends against suspension of 7 DMK MLAs".

Errors in the report "Spurt in dengue cases cause for concern" (June 24, 2017): The reference to the National Health Policy – February 2016 announced to eliminate malaria by 2010. It should have been by 2030. There was a quote that said: "Dengue virus bites during day time." It should be dengue mosquito and not virus.

The second deck headline of a Business page report, "Software export growth set to slow: Nasscom" (June 23, 2017), erroneously said the domestic market may touch \$26.5 million in fiscal year-2018. It should have read \$26.5 billion.

It is the policy of The Hindu to correct significant errors as soon as possible. Please specify the edition (place of publication), date and page. The Readers' Editor's office can be contacted by Telephone: +91-44-28418297/28576300 (11 a.m. to 5 p.m., Monday to Friday); Fax: +91-44-28552963; E-mail: readerseditor@thehindu.co.in; Mail: Readers' Editor, The Hindu, Kasturji Buildings, 859 & 860 Anna Salai, Chennai 600 002, India. All communication must carry the full postal address and telephone number. No personal visits. The Terms of Reference for the Readers' Editor are on www.thehindu.com