



## The Hamburg tussle

The G20 meet highlighted the capacity of world leaders to work around Donald Trump

The gathering in Hamburg of the G20, a group of twenty developed and developing countries, last week was not unlike a large family event: some catching up, some patching up, and that unpredictable, rich uncle who needs to be managed and kept in good humour. The success of summits such as this should be judged with regard to the emerging global context: with the world's most powerful country, the United States led by a President who wants to redefine the world order in narrow transactional terms; with economies changing due to digitisation and automation; with the strength of a country's electoral process increasingly tied to its cybersecurity; with migration on an unprecedented scale; and with terrorism decentralised and dispersed. The G20 meetings in Germany reflected all this, either through the dynamics between leaders or in the wording of official statements that emerged from them. The summit also provided a much-needed opportunity for bilateral meetings, some of which went well beyond the ordinary renewal of commitments among countries. The meeting between U.S. President Donald Trump and his Russian counterpart Vladimir Putin was their first after the election hacking scandal and Mr. Trump's inauguration, while the interaction between Prime Minister Narendra Modi and Chinese President Xi Jinping came amid the face-off between the Indian and Chinese armies in Doklam.

Most remarkable was the fact that the G20 managed to pull together a joint communique at all, given Mr. Trump's recalcitrance on trade and the environment and the tension between interlocutors. It is reported that French President Emmanuel Macron was pivotal in bringing about unanimity by getting the U.S. on board. Yet the final statement did not hide the fact that U.S. policy currently runs against the global consensus, noting America's withdrawal from the Paris climate agreement but declaring that the other 19 countries recognise the pact is "irreversible". Even so, a sentence about the U.S. saying it would help countries access and use fossil fuels more cleanly and efficiently struck an odd note. In terms of trade, members committed to fight protectionism while recognising "legitimate trade defence instruments". While the G20 dynamics may have been strained, world leaders have clearly moved up the learning curve on how to handle Mr. Trump since his first international tour of West Asia and Europe in May, which saw rifts over the U.S.'s commitment to NATO, climate change and trade. The scale and violent nature of the protests in Hamburg too was notable, with tens of thousands showing up, and several hundred police officers injured. These were yet another reminder that all is not well with the world, and that the undercurrents of discontent developing countries have long been familiar with have now flowed west. The G20 and other international groupings must work to mitigate their underlying causes through dialogue and responsive measures.

## Targeting trawling

Tamil Nadu must hasten the transition from trawling to deep sea fishing

Sri Lanka's legislative amendment to prohibit bottom trawling, a destructive fishing practice, is a welcome move despite its likely near-term consequence of deepening the fisheries conflict in the Palk Bay region. Bottom trawling in the island nation's territorial waters will now attract a possible two-year prison term and a fine of 50,000 Sri Lankan rupees. The practice, which involves trawlers dragging weighted nets along the sea floor, is known to cause great depletion of fishery resources, and curbing it is in the interest of sustainable fishing. The initial reaction from Tamil Nadu has been one of concern and consternation. Political parties claim the amendment is draconian, and that it is targeted at the State's fishermen who regularly use hundreds of trawlers in Sri Lankan territorial waters. This criticism is way off the mark. In recent years, some fishermen in northern Sri Lanka have also adopted bottom trawling. If this practice continues to gain ground even among local fishermen, the long-term consequences on fishing resources in the contested Palk Bay region will be irremediable. The amendment is aimed at curbing local trawlers as well as deterring trawlers from Tamil Nadu. An appropriate response from Tamil Nadu would be to expedite the conversion of its trawlers to deep sea fishing vessels, and not merely condemn Sri Lanka.

Fishermen from both countries have been in talks for a long time to resolve the conflict. Sri Lankan fishermen want an immediate end to incursions by Indian trawlers, and those from Tamil Nadu insist on a three-year phase-out period. The proposal to ban bottom trawling is two years old, but the amendment has come at a time when a Joint Working Group set up by both countries last year is in place. Tamil Nadu fishermen are arrested from time to time by the Sri Lankan Navy, and their vessels seized. If more are arrested and slapped with two-year jail terms after a summary trial, as the law now envisages, it may create new flashpoints. Ultimately, the solution lies in the transition from trawling to deep sea fishing, for which a beginning has been made. The Central and State governments plan to provide 500 deep sea fishing boats with long lines and gill nets this year, as part of a plan to replace 2,000 trawlers in three years. However, the question is whether Sri Lanka can be expected to wait for this plan to be fully implemented before enforcing its bottom trawling ban. Even while bracing for an escalation as a result of protests from Tamil Nadu, both countries should ensure that the situation does not disrupt regular meetings of the JWG. Besides the fisheries conflict, they need to discuss marine conservation, thus giving equal importance to protecting livelihoods and sustainable fishing.

# The think tank and the ashram

With think tanks technocratising knowledge, it is time to rethink the ashram as a centre for ethical invention



SHIV VISVANATHAN

Anniversaries often become moments of rhetoric and hypocrisy rather than a space for recollection, a crossroads about future strategies and debates. One needs to rethink them. The more literally charismatic the person, the greater the attempt to embalm him in mothballs. The Gandhian idea suffers most from it as the regime plays officially Gandhian, even moving into the Khadi and Village Industries Commission calendar. Last month, Prime Minister Narendra Modi attended the centenary year celebrations of the Sabarmati Ashram in Ahmedabad. Between the official rhetoric of Gandhi and the disturbing silence of the civil society lies a huge void that one needs to talk about, discuss openly, if Gandhi needs to come alive as he did in Desmond Tutu's Truth and Reconciliation Commission in South Africa.

### The ashram and Gandhi

The relevance of Gandhi is not in doubt. What is in question is the way we articulate that relevance. The ashram as an idea, as a way of life, becomes central to this exercise. The ashram was not just the home of prayer, it was the crystal seed of ethical inventions from weaving to a dream to liberate scavenging. Gandhi's experiments on the body had implications for the body politic which ranged from work, walking, consumption to compassion, where the ethical and the political wove together to create a theory of resistance as invention and of democracy as caring. At a recent meeting, the physicist and eco-centric technologist Ashok Khosla put it matter-of-factly. He said Gandhi was no Luddite, but a framework for the future. It is the regime, babbling about climate change and corporate social responsibility, that needs to catch up,



linking lifestyle and livelihood. Gandhi was a huge catalogue of inventions where prayer, walking, weaving, writing, *bhajans* all had to be reworked so that the neighbourhood and the cosmos, *swadeshi* and *swaraj*, were in consonance. Central to it all was the ashram as a mode of thought and as a way of life. The futuristic implications of the ashram have not been grasped. Ask yourself, what is the ashram as an act of trusteeship?

The ashram was not a place to pickle Gandhi into potted jars of consumability. It was a centre for ethical invention, where spirituality met everyday life to enhance democratic creativity. Think of a few possibilities where civil society rewrites *Hind Swaraj* to answer the challenge of climate change. A Gandhian trustee would understand that responsibility needs polysemy, that sustainability is a provincial idea till it combines with plurality, justice and peace. For this, one has to go beyond odd ideas of Make in India and the vision of a national security state.

### The new-age think tank

At a policy level, what is challenging the ashram, vying for cognitive space, is the think tank. There is something brutal about the idea, of knowledge in a Darwinian world, where fang and claw marginalise violence. A think tank technocratises knowledge into a domain of strategy and expertise. An ashram opens up a question to issues of ethics and cosmology. There is a Promethean hubris about the think tank, a conviction that knowledge

is subject to problem-solving. An ashram understands the modesty and the limits of knowledge. A think tank invites you to a machismo of power, speaking strategy to power. With a decline of the universities and the debates on knowledge, the think tank has acquired a touch of machismo, hypotecating ethics to the margins. To policy, ashram offers prayer, an understanding of the limits and complexity of knowledge. When one watches think tanks from Observer Research Foundation, Carnegie, Vivekananda, one senses an obsession with security has dispensed with *satyagraha*. Non-violence is for the laymen and the illiterate. Bad ethics hide behind patriotism and expertise. Each promotes a myth – the first of the nation state, the second of the value neutrality of knowledge. One cannot think of a single think tank which has a clear-cut idea for peace. By specialising in information and expertise, the think tank has lost out on the ethics of epistemology of knowledge. Even war is seen as an act of plumbing, of balancing interests.

When one looks at a think tank and compares it to the great social movements of our time, one sees the difference between the new imaginaries of peace, democracy and the conventional ideas of policy. I remember the social scientist Rajni Kothari laughing at the idea of think tanks. He said that ours is the hospitality of democratic theory; a think tank sugarcoats knowledge in secrecy. A think tank commoditises knowledge. He told me if the Centre for the Study

of Developing Societies was a think tank, it would not have challenged the Emergency. Only the combined wisdom of the chowkidar, the gardener, the senior fellows, the visitors allowed for the courage of that solidarity. For Kothari, a think tank is too seduced by power to be truly ethically autonomous. Sadly, as political scientists like him disappeared, the lack of a democratic imagination got solidified into the current fetishism about think tanks. The Gandhian ashram has to challenge the alleged efficacy of think tanks.

### Revitalising the ashram

The Gandhian ashram, without playing partisan politics, can be the centre of the dissenting imagination. It can emphasise that dissent as an act of caring and conscience is always plural. The marginal, the minority, the displaced, the defeated, the informal, the alternative imagination, the subaltern in every sense represent a festival of knowledges rarely represented in constitutional law or a democratic forum. The ashram becomes trustee of the silences, the margins realising that the margin in India is huge, a continent of suffering and survival in its own right. It realises that trusteeship – unlike a bound membership – is not a comfortable chair to speculate on retirement. It is a perpetual summons to conscience and whistle-blowing. Third, it links ideas to lifestyle and livelihood so that one lives for ideas, not off them. Fourth, trusteeship cannot put that memory in mothballs but realise that memory, like language, is a perpetual source of invention. To soak Gandhi in the formaldehyde of nostalgia will not do. A Gandhi lives so long as he is reinvented by every citizen. If trustees even become a think tank, then the Gandhian idea becomes a form of secondariness ready to be museumised. Trusteeship in that sense is the ethics of memory, prayer, invention and goes beyond any official committee. Every citizen becomes a trustee and the ashram a commons for the new experiments in ethics from Irom Sharmila, the woman of Kashmir to the battle of

the Narmada dam to the new controversies in agriculture, where experts look on agriculture as a 'twilight industry'.

In fact, for me and many others of my generation, one of the greatest ashrams was a science laboratory, the photosynthesis research centre (Shri A.M.M. Murugappa Chettiar Research Centre) in Chennai under the late C.V. Seshadri dreaming dreams of alternative energy, of a poor man's science which was not poverty-stricken in terms of ideas. The slum around the laboratory became a compost heap for ideas of fishing, wind tunnels, ventilation, waste, algae. It was probably the only science lab where the worker, the cleaner and scientist shared a patent, where work, not only science, had a dignity. Seshadri dreamt of an India where Gandhian truths collaborated with scientific truths, where knowledge and lifestyle followed collaborative strategies.

Seshadri and Kothari were intellectuals who saw the public more as a commons for ideas, not a space to be hypotecated to experts. He created an ascetic science, not dismal in its morality, but playful in its possibilities. One wishes ashrams today would reinvent that confidence.

Rethinking the ashram as a part of the future is one of the great Gandhian challenges, as civil society fights to link *swadeshi* and *swaraj* which the current regime – playing to a second-rate nationalism – has disrupted. Reinventing an ethics for the 21st century is a task for the ashram, where spirituality does not lose its sense of the sacred, or ethics its quest for a new sense of science. It is a search for new paradigms and exemplars and Sabarmati Ashram is a true heritage site because it both made history and is futuristic. On its 100th anniversary it is time to retune it, so the great rituals of freedom, faith and inventiveness can begin again.

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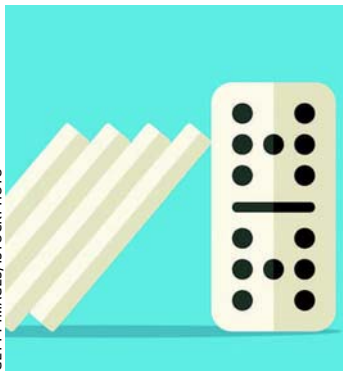
Parliamentary privileges originated during the long struggle for democracy and citizen's rights in Britain, between a monarch and Parliament as kings used to get members who spoke or were likely to speak against the king arrested. Today, our legislators get citizens and journalists arrested.

In our parliamentary democracy, where Parliament enjoys almost supreme powers, legislators face no threat from government. In fact privileges have become a tool in the hands of the ruling party. The case of the Karnataka Assembly imposing fines and imprisonment on two journalists for writing something against the Speaker when he was a legislator and against another legislator has once again revived the debate about the need for codifying privileges and giving primacy to a citizen's right to free speech over legislative privileges.

Why shouldn't our legislators' freedom of speech like the freedom of speech of citizens be subject to the sovereignty and integrity of the nation, public order, friendly relations with foreign states, incitement of an offence or defamation as mentioned in Article 19(2)? The 'sovereign people of India' have a restricted right to free speech but 'their servants or representatives' have an absolute freedom of speech in the Houses. Even if one may reluctantly concede such a privilege to them in the interest of the smooth conduct of the House, why should there be the power to send people to jail for the breach of privileges? The Supreme Court's decision in M.S.M. Sharma (1958), giving primacy to the privileges over free speech, was made in the first decade of the Republic during which the court had a lot of respect for legislators – most of them were freedom fighters. However, by 1967, the Supreme Court was convinced that Parliament should not have absolute powers.

### Too wide a power

Our legislators have the power to be the sole judges to decide what their privileges are, what constitutes their breach, and what punishment is to be awarded in case of



breach. Is this not too wide a power which clearly impinges on constitutionalism, i.e. the idea of limited powers? The fault lies with the framers of the Constitution, who, while drafting the lengthiest constitution of the world, have left the vital area of legislative privileges undefined.

Articles 105 and 194 clearly lay down that the "power, privileges and immunities of the legislature shall be as may from time to time be defined by the legislature, and until so defined, shall be those of the House of Commons". The expression "until so defined" does not mean an absolute power not to define privileges at all. Legislators have been arguing that codification of privileges will harm the sover-

eignty of Parliament. Is Indian Parliament really sovereign? We want a uniform civil code but our parliamentarians do not want a codification of their privileges which will not require more than a couple of articles.

Moreover, the drafters of the Constitution also committed the mistake of putting Indian Parliament on a par with the British House of Commons. De Lolme's statement about the supremacy of British Parliament, that "Parliament can do everything but make a man a woman and a woman a man", is not applicable to India. British Parliament was also the highest court till 2009. Thus, Indian legislatures and British Parliament differ not merely as regards their general political status but also in the matter of legal powers. Unlike England, in India the Constitution is supreme, not Parliament. Today by sovereignty, we mean "popular sovereignty" and not "parliamentary sovereignty". The opening words of the Constitution are "we the people" and not "we the legislators of India."

### A comparison

The codification of privileges is basically resisted because it would make the privileges subject to fun-

damental rights and hence to judicial scrutiny and evolution of new privileges would not be possible. In fact, the British House has itself broken from the past. Acts and utterances defamatory of Parliament or its members are no more treated as privilege questions. The U.S. House of Representative has been working smoothly without any penal powers for well over two centuries. Australia too codified privileges in 1987.

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