



Death with dignity

The court has laid down a much-needed legal framework for enforcing living wills

The core philosophy underlying the Supreme Court's verdict allowing passive euthanasia and giving legal status to 'advance directives' is that the right to a dignified life extends up to the point of having a dignified death. In four concurring opinions, the five-member Constitution Bench grappled with a question that involved, in the words of Justice D.Y. Chandrachud, "finding substance and balance in the relationship between life, morality and the experience of dying". The outcome of the exercise is a progressive and humane verdict that lays down a broad legal framework for protecting the dignity of a terminally ill patient or one in a persistent vegetative state (PVS) with no hope of cure or recovery. For, in such circumstances, "accelerating the process of death for reducing the period of suffering constitutes a right to live with dignity". The core message is that all adults with the capacity to give consent "have the right of self determination and autonomy", and the right to refuse medical treatment is also encompassed in it. Passive euthanasia was recognised by a two-judge Bench in *Aruna Shanbaug* in 2011; now the Constitution Bench has expanded the jurisprudence on the subject by adding to it the principle of a 'living will', or an advance directive, a practice whereby a person, while in a competent state of mind, leaves written instructions on the sort of medical treatment that may or may not be administered in the event of her reaching a stage of terminal illness.

Passive euthanasia essentially involves withdrawal of life support or discontinuation of life-preserving medical treatment so that a person with a terminal illness is allowed to die in the natural course. The court's reasoning is unexceptionable when it says burdening a dying patient with life-prolonging treatment and equipment merely because medical technology has advanced would be destructive of her dignity. In such a situation, "individual interest has to be given priority over the state interest". The court has invoked its inherent power under Article 142 of the Constitution to grant legal status to advance directives, and its directives will hold good until Parliament enacts legislation on the matter. The government submitted that it was in the process of introducing a law to regulate passive euthanasia, but opposed the concept of advance directive on the ground that it was liable to be misused. The stringent conditions imposed by the court regarding advance directives are intended to serve as a set of robust safeguards and allay any apprehensions about misuse. The court is justified in concluding that advance directives will strengthen the will of the treating doctors by assuring them that they are acting lawfully in respecting the patient's wishes. An advance directive, after all, only reflects the patient's autonomy and does not amount to a recognition of a wish to die.

Trade goes on

The revival of the Trans-Pacific Partnership, sans U.S., must buttress the free trade debate

The United States under Donald Trump may not be a huge fan of free trade across borders, but that's not stopping other countries from embracing it. On Thursday, 11 Asia-Pacific countries, including Japan, Australia and Canada, signed the Comprehensive and Progressive Agreement for Trans-Pacific Partnership in Chile. The CPTPP is, in effect, the original Trans-Pacific Partnership struck during the Barack Obama presidency minus the U.S. On the campaign trail, Mr. Trump had promised to pull the U.S. out of the TPP, and went on to do precisely that within weeks of assuming office. Interestingly, the CPTPP comes soon after the U.S. had made clear its plan to impose tariffs on the import of aluminium and steel in an attempt to protect domestic manufacturers. The countries signing the agreement, which account for more than 13% of the world economy, have agreed to bring down tariffs on cross-border trade by as much as 98% after domestic ratification. More countries are expected to sign the CPTPP in the future, and there is hope that a post-Trump U.S. may join the bloc. But even in the absence of the world's largest economy, countries that are currently part of the deal will only gain from any reduction in the costs imposed on trade. This will leave the world, which has largely been moving towards increasing free trade even as the U.S. has turned inwards, better off than without the deal.

The CPTPP, as it looks to expand influence by adding other countries into its fold, will need to address other problems as well. One of the points of criticism of the TPP, even in its original form as a 12-member agreement, was the alleged influence of special interests in dictating its broad framework. Mr. Trump, in fact, smartly capitalised on these sentiments to attack and then pull out of the agreement last year. The TPP text, which has in large part been incorporated into the new deal, had also been flayed for mandating labour and other regulations that increase the bureaucratic burden on businesses. Many have cited the size of the agreement, which runs into several chapters and thousands of pages, to contend that the benefits from tariff reductions may be cancelled out by the massive increase in regulatory requirements. While there may be no hard and fast rule to gauge the net benefit of the agreement, addressing these concerns will only strengthen the chances of more countries joining it. A simpler trade agreement can also help the cause of transparency and lower the chances of lobbying by special interests in the future. Last but not least, amid palpable fears of a global trade war, the survival of a free trade agreement despite the sudden pullout of the U.S. offers some respite to the supporters of free trade.

Adversity to advantage

The BJP has silenced its critics with a stunning electoral show. But can strategy substitute for delivery on the ground?



VIDYA SUBRAHMANIAM

Tripura, until recently unused to anyone fussing over it, has suddenly transformed into a fortune-teller of India's politics and politicians. The Narendra Modi-led Bharatiya Janata Party's superlative victory in the election to the Tripura Assembly has, overnight as if, shifted the spotlight from the failings of the National Democratic Alliance Government to the Modi-Amit Shah team's strategic brilliance and recurring ability to come out on top.

On the other hand, the Congress, which had appeared to be in revival mode, has begun to be written off once again. With its vote base shifting almost en masse to the BJP, the Congress won no seats in Tripura, which was in fact why the Manik Sarkar-led Left Front government was defeated. This setback, in turn, has pushed the Congress out of the reckoning for leading a united opposition. Congress president Rahul Gandhi, who chose verdict day to visit his grandmother in Italy, to much mirthful trolling by Twitterati, has reverted to his former and seemingly default status of an ad hoc leader. The faint interest the regional parties had begun to show in Mr. Gandhi has passed and they have moved on to the familiar trope of forming a non-BJP, non-Congress third front.

The Tripura turn

Can so much turn on a verdict delivered by one little State? Tripura's past elections have barely got a mention in the media. Mr. Sarkar was expected to win and he did.



TRIPURA/ANAND KUMAR

The Opposition was expected to lose and it did. The twist in the story comes from the BJP, with almost no vote in the State, pole vaulting to a 43% vote share – more than 50% with its regional ally – to pull off a stunning victory. This wasn't the only shock and awe moment, though. The BJP went on to form a government in Nagaland and also in Meghalaya, where it won only two seats. In themselves the BJP's Northeast manoeuvres may be insignificant for estimating its 2019 prospects. Their importance lies in demonstrating the BJP's killer instinct and all-out will to power.

A little flashback is necessary here. Clouds of pessimism had hung over the Modi government in the days before the elections in the three northeastern States. If 2017 closed with the BJP's barely-won victory in Gujarat, the new year brought even less cheer. The party lost critical by-elections in Rajasthan and Madhya Pradesh to the Congress and critics and admirers alike despaired at the state of the economy, seen to have been driven to the ground by the double whammy of demonetisation and a mishandled goods and services tax (GST). It was notable that the BJP did not fare well in the rural areas of Gujarat, and farmer protests in different States underlined the extent of rural debt and distress. A Lokniti-CSDS opinion poll indicated that overall satisfaction with the government had declined

from 64% in May 2017 to 51% in January 2018.

The December-January period also saw frenzied protests by the Karni Sena which wanted the film *Padmavat* banned for allegedly trifling with Rajput sentiments. The scale of violence and the tacit support offered to the Sena by sections of the BJP discomfited many even among Mr. Modi's legion of admirers. Unlike the spate of lynchings by gau rakshaks and attacks on young Hindu-Muslim couples and Dalits across much of north and west India, which the BJP and its followers blamed on fringe elements, there was no way to defend the spectre of BJP-run State governments scurrying to obey the dictates of the lawless Sena. The collapse of administration in these States was chillingly brought home when hoodlums attacked a school bus carrying children in Gurugram. The image the BJP conveyed as theatres were vandalised and pictures flashed of children cowering in fright, was of a party condoning violence only to appease its vote bank.

Disenchantment

Barely had this nightmare given over when the Nirav Modi bank scam surfaced, threatening to rob the BJP of its principal plank of fighting corruption. Nobody was blaming the Prime Minister yet but the jeweller being able to avoid detection and his hurried flight abroad days before the scam got

outed posed serious questions to the government.

The economic decline, failing law and order underscored by the *Padmavat* violence and attacks on Muslims and Dalits, not to mention the impression of inaction on corruption, all added up to what looked like early signs of disenchantment with the first majority government in 30 years. *Achhe Din* which the leader promised to huge expectation in 2014 increasingly resembled a bad joke on a trusting people. Against this background, it wasn't surprising that the Congress and its newly appointed president began to be spoken of as an alternative. Mr. Gandhi, previously held to be without any attractions, had shown leadership qualities during the Gujarat campaign. There was a comfortable niceness about him which contrasted with the relentless aggression of the Prime Minister and his party chief.

But anyone who had observed how unerringly the Modi-Shah leadership turned adversity to advantage would have known the story wouldn't end there. The Prime Minister and his chief strategist had a record of ensuring every defeat – whether in Delhi or in Bihar – was avenged the soonest. By now, it should be clear that the BJP bosses have perfected a formula which delivers victory by any means. This comprises punishing hard work, inducing defections to form a government with or without an election, a loyal television media ever willing to skewer the Opposition, an army of social media trolls and brilliant use of messaging platforms like WhatsApp to communicate both real and fake news. Add to this the backing of the razor-sharp Rashtriya Swayamsevak Sangh and Mr. Modi's enduring charisma and way with words, and you have a behemoth that cannot be beaten easily – certainly not by a Congress mired in ideological

confusion and possessing a lazy leadership that, despite an astonishing run of defeats, believes 2019 is its for the asking. Consider this. In Tripura, the BJP fielded a dozen defectors, most of whom won. Earlier, it had followed the same strategy in Uttar Pradesh. The defectors had held important positions in the parent party, and took with them their massive support base.

The BJP's conquest of the Northeast started with the defection of Himanta Biswa Sarma, who had been a minister in the Congress government in Assam. Mr. Biswa Sarma not only strategised and won the 2016 Assam election for the BJP but went on to play a key role in the BJP's subsequent successes in the Northeast. The party induced wholesale defection of Congress MLAs in Arunachal Pradesh and snatched away Manipur from under the Congress's nose – a feat it would repeat in Meghalaya. Mr. Biswa Sarma would boast that he had stitched up the post-poll Meghalaya alliance in 15 minutes.

The year ahead

But can the razzmatazz of winning and snatching elections indefinitely help the BJP? Can strategy alone substitute for delivery on the ground? And what of the image that its cadre are inherently violent, reinforced by the recent attacks on Lenin and Periyar statues? This can restrict the party's expansion in the south and further alienate allies like the Telugu Desam Party. The BJP must engage with these questions in the one year left for the general election. For his part, Rahul Gandhi should will himself to stay the course and borrow at least a bit of the smartness that his primary adversary seems to possess in abundance.

vidya.s@thehindu.co.in

An architecture for India

Balkrishna Doshi's buildings draw the user into a thoughtful collusion with space



GAUTAM BHATIA

In 1955, a young Indian was often pictured in group photos taken in Le Corbusier's studio in Paris. Hovering behind Le Corbusier or at a drawing table discussion, it was hard to predict that half a century later, this young man would be as influential and dominant as the French master himself, if not on the world stage, at least in India. Balkrishna Doshi, along with Mumbai's Charles Correa and Delhi's Raj Rewal, has without a doubt been a remarkable force in Indian architecture since Independence.

In a career that has spanned almost seven decades, the slight man in the Paris studio used his international associations, working later with Louis Kahn at the Indian Institute of Management at Ahmedabad, to cement a career in architecture after he returned to India in the 1950s. Obviously Mr. Doshi's link to Le Corbusier was in itself sufficient to establish his place in Indian architectural history, but the artist in him emerged in diverse ways to give unusual direction to buildings being construct-

ed by Doshi the architect.

In the six decades since then, Mr. Doshi has played the role of practitioner and educator, artist and teacher, producing buildings that were as much architectural as social and cultural – projects aligned to prevailing movements, as well as highly personal. "I learned from Le Corbusier to observe and react to climate, to tradition, to function, to structure, to economy and to the landscape," he admits.

Understanding of context

Obviously, few architects can single-handedly effect any significant change in society. Thus to say that Mr. Doshi, recipient of this year's Pritzker architecture prize, has changed or radically altered the course of Indian architecture would be inaccurate. But in his collective of works, in various projects, built and un-built, there are clues to help define the kinds of settings we would like to live in, to make an architecture for India. In buildings that derive a great deal from traditional living patterns, his interest in designing and constructing is not merely to fulfil the requirements of a house or an office, a factory or school, but through material, assembly and planning, light and texture, to draw the user into a thoughtful collusion with space.

His earliest work was done in a



APP/MANUNATH KIRAN

brutal and frank exposure of stark geometry and cement surfaces; Ahmedabad's Tagore Memorial Hall and the Institute of Indology suggest something of the Corbusian modernism of his career. A palpable shift came later after his association with Kahn. The Centre for Environmental Planning and Technology (CEPT) campus at Ahmedabad was founded on the principle of collaborative learning, and has grown and evolved over 40 years. The simple brick and concrete construction with its exposed structure and pivot doors opens completely and connects to the surrounding landscape. In his architecture, Mr. Doshi has consciously crafted elements that establish links to local methods of design and detail. Historical references are used not simply to recall a cultural memory, but to suggest a deeper understanding of context. Even today, the string of

brick structures on campus continues to spread low profiles around courtyards and shadowy neem trees.

Architecturally, these profiles are represented in a consistent reinterpretation of traditional spaces: courtyards, verandahs and loggias, where the link between ground and sky, breeze and shadow, all become elements to explore the poetic resolve of the architecture. There is of course nothing new about courtyards and loggias, light wells and space open to the sky.

Throughout history such elements have been used to organise space, from medieval complexes at Fatehpur Sikri and Mandu, to the humbler designs of a house. But their transformation to contemporary usage becomes an expression of Mr. Doshi's artistry. And a persistent refrain in his work that never bends to stylistic trends and fashions.

"Over the last two decades I have found many buildings seem foreign to me and out of milieu; they don't have their roots in the soil." Mr. Doshi speaks often of architecture that neglects its natural associations. In the last few decades he has retreated into the quieter reclusion of private art, rethinking architectural ideas, writing and reassessing architecture's engagement with culture. In 1995, he even collaborated with ar-

tist M.F. Husain on an unusual project. Part architecture, part art, the Gufa is an underground hive of domes and cavities that sprawls along one edge of the CEPT campus. The conspicuous fusion of painting into building that is itself more sculpture than architecture reflects in large part Mr. Doshi's own ease with all forms of art, dance, theatre, and mural painting, all of which originate from the same private impulse to express.

Catalytic agents

"Most of us," wrote Mr. Doshi in his private sketch book, "irrespective of personal beliefs, are moved when visiting a temple. And I have been trying to understand this 'moving' experience in architectural terms with the objective that in contemporary design practices it could be applied to create built-forms of lasting value. To my understanding such forms have the following attributes: the pauses, transitional spaces and thresholds act as catalytic agents for the built-form and the individual or the community to enter into a dialogue at their level of comprehension. And this dialogue gives direction to the community at large. Buildings which generate such holistic experience finally become the institutions of man."

Gautam Bhatia is an architect and sculptor

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.

NAM again

The only way for India to emerge as the fourth pole in the emerging tri-polar world is through a new Non-Aligned Movement, but this is no easy task (Editorial page, "A new NAM for the new norm", March 9). We are the immediate neighbour of China, an emerging pole, which views us as a threat to its leadership, at least in Asia. It is clear that Beijing is determined to constrain India's strategic space in every manner possible, which makes it inevitable for us to bank on the U.S. given the state of ties between India and Russia and rising bonhomie between China and Russia.

K. SRINIVASA SRICHARAN,
Chennai

■ The Non-Aligned Movement needs to change with the times or it risks

being buried in the sands of history. To stay globally relevant, it must reorient its approach and its members need to work out the contours of how they restrict their commercial and political alignment with the major powers.

NISHANT CHOUDHARY,
Nasirabad, Ajmer, Rajasthan

Government formation

Toppling and forming governments with money power and other inducements has become the new norm in our democracy; such acts have been given a spin – as a "smart move". What happened in Tripura and the air of political hostility later captures the next level Indian democracy is moving to. If one heard the "advice" by those who now proudly claim that they have "demolished" the communist ideology, it is clear that do not possess a

constructive mentality.

N. NAGARAJAN,
Secunderabad

Standing firm

The Telugu Desam Party seems to have had no other alternative but to sever ties with the BJP at this juncture ("TDP leaders meet Modi, resign from Union Cabinet", March 9). The interests of Andhra Pradesh are greater than political advantage. The Centre should have been more flexible and cooperative in helping the State and ensured that the promises made were kept. The demands from other States cannot be used as an excuse as Andhra Pradesh's situation is different because of the irrational bifurcation and the consequential hardship. Solutions are not impossible if the Centre shows a will to help.

A.L.M. RAO,
Guntur, Andhra Pradesh

■ By indulging in parochial opportunism and using political pulpits to conduct a charade against the government on the pretext of championing the cause of "self-respect of Andhraites", Andhra Pradesh Chief Minister Chandrababu Naidu is displaying political brinkmanship and setting a dangerous precedent for other "disadvantaged" States to follow suit. The resignation of TDP ministers and subsequent threat to walk out of the NDA is reminiscent of the moves Mr. Naidu made during the first NDA government. Union Finance Minister Arun Jaitley is absolutely right in saying that "sentiment does not decide the quantum of funds". It is also time that political parties in the opposition stopped fishing in troubled waters by making unconstitutional promises about the special category

status to Andhra Pradesh.

SHREYANS JAIN,
New Delhi

Pay hikes

A stint as an Indian cricket player seems enough to ensure that one is settled in life ("Sport" page – "Kohli & Co. receive pay hikes", March 8). While no one doubts the earnings of our lucky cricketers, one would only wish that the players are far more liberal and gracious towards the cause of the less privileged in our society,

commensurate with their earnings. The BCCI can also be a bit more pronouncedly benevolent towards social causes where governments are not resourceful enough to extend the requisite succour. After all, paying back to society should be deemed a bounden duty as it is the very society that sustains and patronises the game.

SIVAMANI VASUDEVAN,
Chennai

MORE LETTERS ONLINE:
www.hindu.com/opinion/letters/

CORRECTIONS & CLARIFICATIONS:

In the graphic, "For want of a job" (Data Point, OpEd page, March 9, 2018), the nationwide unemployment rate – according to E&U Surveys of Labour Bureau – should have been 3.7%, or 37 unemployed persons for every 1,000, not 37 of every 100 as it appears. Also, the State of Punjab has been wrongly marked as Chhattisgarh.

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