



Power shift

Inspired by the ruling on Delhi, the Madras HC bats in favour of elected regime in Puducherry

The Madras High Court verdict that the Lieutenant Governor of Puducherry should not interfere in the day-to-day administration of the Union Territory is a serious setback to the incumbent Administrator, Kiran Bedi. She has been locked in a prolonged dispute over the extent of her powers with Chief Minister V. Narayanasamy, who says she has been disregarding the elected regime and seeking to run the Union Territory on her own. The court has laid down that “the decision taken by the Council of Ministers and the Chief Minister is binding on the Secretaries and other officials.” Inspired by the Supreme Court’s appeal to constitutional morality and trust among high dignitaries, the High Court has also reminded the Centre and the Administrator that they should be true to the concept of democratic principles, lest the constitutional scheme based on democracy and republicanism be defeated. The judgment is based mainly on the principles that were laid down in last year’s Constitution Bench decision on the conflict between the elected regime in the National Capital Territory (NCT) and its Lt.Governor. The five-judge Bench had ruled that the L-G has to either act on the ‘aid and advice’ of the Council of Ministers, or refer to the President for a decision any matter on which there is a difference with the Ministry, but has no independent decision-making powers. The High Court also says the Administrator is bound by the ‘aid and advice’ clause in matters over which the Assembly is competent to enact laws. The L-G’s power to refer any matter to the President to resolve differences should not mean “every matter”, the court has cautioned.

Justice R. Mahadevan, who delivered the Madras High Court judgment, is conscious of the difference in status between Delhi and Puducherry. The Puducherry legislature is the creation of a parliamentary law, based on an enabling provision in Article 239A of the Constitution, whereas the NCT legislature has been created by the Constitution itself under Article 239AA. The Supreme Court had described the NCT as *sui generis*. At the same time, the NCT Assembly is limited in the extent of its legislative powers, as it is barred from dealing with the subjects of public order, police and land. However, looking at the Business Rules as well as other statutory provisions on Puducherry, the judge has sought to give greater credence to the concept of a representative government. He has set aside two clarifications issued by the Centre in 2017 to the effect that the L-G enjoys more power than the Governor of a State and can act without aid and advice. In view of the Constitution Bench judgment on Delhi, he has differed with another Madras High Court decision of 2018 in which the LG’s power to act irrespective of the Cabinet’s advice was upheld. In the event that the latest judgment is taken up on appeal, a key question may be how far the decision of the five-judge Bench on the limits of the Delhi L-G’s powers would indeed apply to Puducherry.

The cost of resistance

India must brace for the economic shocks from uncontrolled antimicrobial resistance

Even though antimicrobial resistance is acknowledged by policymakers as a major health crisis, few have considered its economic impact. Now, a report from the Interagency Coordination Group on Antimicrobial Resistance (IACG) puts the financial fall-out in perspective. Titled “No Time to Wait: Securing The Future From Drug Resistant Infections”, it says in about three decades from now uncontrolled antimicrobial resistance will cause global economic shocks on the scale of the 2008-09 financial crisis. With nearly 10 million people estimated to die annually from resistant infections by 2050, health-care costs and the cost of food production will spike, while income inequality will widen. In the worst-case scenario, the world will lose 3.8% of its annual GDP by 2050, while 24 million people will be pushed into extreme poverty by 2030. Nations must acknowledge this eventuality, the IACG says, and act to fight it. For high- and mid-income nations, the price of prevention, at \$2 per head a year, is extremely affordable. For poorer countries, the price is higher but still modest compared to the costs of an antibiotic apocalypse.

India first published almost nine years ago the broad contours of a plan to fight antimicrobial resistance. The difficulty has been in implementing it, given the twin challenges of antibiotic overuse and underuse. On the one hand, many Indians still die of diseases like sepsis and pneumonia because they don’t get the right drug at the right time. On the other hand, a poorly regulated pharmaceutical industry means that antibiotics are freely available to those who can afford them. The IACG report acknowledges these obstacles, and calls for efforts to overcome them. Some steps can be initiated right away, it says, such as phasing out critical human-use antibiotics in the animal husbandry sector, such as quinolones. But these steps cannot be driven by regulation alone. A multi-stakeholder approach, involving private industry, philanthropic groups and citizen activists is needed. Private pharmaceutical industries must take it upon themselves to distribute drugs in a responsible manner. Philanthropic charities must fund the development of new antibiotics, while citizen activists must drive awareness. These stakeholders must appreciate that the only way to postpone resistance is through improved hygiene and vaccinations. It is a formidable task as India still struggles with low immunisation rates and drinking water contamination. But it must consider the consequences of a failure. While the 2008-09 financial crisis caused global hardships, its effects began to wear off by 2011. Once crucial antibiotics are lost to humankind, they may be lost for decades.

The saviour’s burden

The SP-BSP combine has willy-nilly emerged as the strongest opposition to the BJP



VIDYA SUBRAHMANIAM

It’s a wonder of this Lok Sabha election that the most unexpected of alliances, between the Samajwadi Party (SP) and the Bahujan Samaj Party (BSP) in Uttar Pradesh, is holding up against multiple challenges while elsewhere in the country, the national Opposition presents a fragmented picture.

Overcoming the odds

Indeed, the responsibility of shoring up the Opposition against the powerhouse combination of Prime Minister Narendra Modi and Bharatiya Janata Party (BJP) chief Amit Shah has come to rest on the shoulders of Akhilesh Yadav and Mayawati who helm the SP and the BSP, respectively. History and conventional wisdom suggested that the alliance was an impossibility, and if it happened, it would collapse under the weight of its contradictions. The bitter past between Ms. Mayawati and Mulayam Singh Yadav (Akhilesh Yadav’s father and founder of the SP) aside, the SP and the BSP had also to contend with decades of debilitating hostilities between their core voters, the Yadavs and the Jatavs. That all this baggage was overcome, and a big push for the alliance came surprisingly from the rank and file of the two parties, speaks to the survival imperatives confronting the partners and their cadre. The BJP had driven each party to ruin and they had no choice but to unite against

the behemoth.

Though the SP and the BSP teamed up to a collective rhetoric of national interest, the truth was that Ms. Mayawati and Mr. Yadav needed a way out of the existential crisis they faced. Yet today, the rhetoric has got invested with an urgency, a larger meaning beyond the borders of U.P., more so in the context of the Congress irresponsibly wrecking alliance possibilities in other States. With Opposition unity in shameful disarray across the country, the SP-BSP partnership has willy-nilly become the sole stumbling block between the BJP and its ambition to wrest a second term via a bounty of seats in U.P. The SP-BSP combine is a spectacular force capable of inflicting heavy losses on the BJP. And considering 71 of the BJP’s 2014 Lok Sabha seat share of 282 came from U.P, the significance of a reversal here cannot be overemphasised.

As the Lok Sabha election enters mid-point in U.P., the alliance looks in no hurry to unravel. On the contrary, the partners have stunned audiences at their joint rallies with a crackling chemistry that might have appeared scripted were it not for the fact that at least one of the actors, the mercurial Mayawati, is too much of her own person to perform to command.

In itself it was a surprise that Ms. Mayawati agreed to campaign for Mulayam Singh Yadav. But she did more. A quarter century of enmity got erased as she shared the stage with him and lavished praise on Yadav senior’s stellar leadership qualities. At another rally, a charming scene between Ms. Mayawati and Dimple Yadav attested to the blossoming of new relationships and the well-being of the alliance. The BSP chief embraced Yadav junior’s wife, also a candi-



date from Kannauj, and the adopted “daughter-in-law” sealed the deal by touching the senior woman’s feet. There was a time when Ms. Mayawati and Mr. Akhilesh Yadav were bua-bhatiya (aunt and nephew) to their opponents who used the term as a taunt, to indicate they were a quarrelsome pair. Surreally, the BSP chief has now not only appropriated the insult but made the Yadav family her own.

Specific challenges

Will the bonhomie last? For all the serial photo-ops by the mint-fresh extended family, the alliance is in fact extremely fragile and stalked at every stage by myriad challenges. On a recent tour of Western U.P, I found that the formidable arithmetic of the alliance wasn’t necessarily making its fight easy. Each seat was hotly contested and the prognosis in local parlance was 50-50 – meaning the BJP and the alliance were equally placed for a victory. Two factors appeared to have complicated what on paper was a walkover. First, the Jats, a community that had voted nearly en masse for the BJP in 2014 and 2017, were not fully on board with the alliance despite its seat-sharing deal with the Ajit Singh-led Rashtriya Lok Dal (RLD). The pitch was queered further by the presence of the Congress, now bol-

Standing up for Julian Assange

Ensuring his freedom is essential to uphold free speech and media freedom on a global scale



SUBHASH RAI

The arrest of Julian Assange, the publisher of WikiLeaks, in early April in London, is an attack on free speech and media freedom on a global scale. Except for a statement by some prominent Indians condemning his arrest and few other voices of condemnation, reaction in India has been muted.

The near silence could well be the result of the lack of information about Mr. Assange and the kind of journalism WikiLeaks has spearheaded since its inception in 2006. It is equally possible that the Indian public too has fallen prey, hook, line and sinker, to the venomous and disingenuous disinformation campaign unleashed against Mr. Assange even before he was granted asylum in the Ecuadorian Embassy in London seven years ago.

Incisive breaks

Mr. Assange, the latest inmate of Belmarsh Prison (also known as the “British version of Guantánamo Bay”) is, for his supporters, the “first media hero of the 21st Century”. In its daring attempts to hit at the powerful, WikiLeaks has collaborated with some of the best mainstream media organisations

across the world on the diplomatic cables. These include *The Guardian*, *The New York Times*, *Der Spiegel*, *Le Monde*, *El Pais* and *The Hindu*.

WikiLeaks has thrown light on how war can dehumanise people with the release of footage of the 2007 ‘Collateral Murder’ video that showed U.S. soldiers in Iraq laughing at hapless civilians and journalists from a military helicopter even as they continued raining bullets on their victims. This riled the U.S. administration, as did the other exposés by WikiLeaks, be it with the Iraq or the Afghanistan war logs. These ‘benign’ wars were proven by WikiLeaks to not be so benign after all, and this obviously didn’t go down well in Washington.

But it has not always been about the U.S and the wars. The story on Daniel Arap Moi , former Kenyan President and his family’s corruption was the anti-secrecy website’s first big story, which received international attention when Mr. Assange gave the story to *The Guardian*.

WikiLeaks also published a cache of emails of the Syrian government and its opponents. The release of emails sent by the top echelons of the government and even its opponents has caused a lot of embarrassment to both warring parties.

The website, in 2016, released almost 300,000 emails of Turkish President Recep Tayyip Erdoğan’s and his ruling Justice and Development (AK) Party, even as Ankara



grappled with the aftermath of a failed military coup.

The couple of exposés around the Democratic Party in the U.S. in 2016, as a tranche of emails sent and received by U.S. presidential contender Hillary Clinton, and, then emails of Mrs Clinton’s campaign manager John Podesta, had a significant impact not only on U.S. domestic politics, but also exposed the faultlines in the Democratic Party’s ruling clique. But some of these exposés which lacked editorial discretion did lead to some erosion of support for Mr. Assange and WikiLeaks around the world.

Multiple attacks

Mr. Assange is a veteran of some bruising battles against organised attacks, institutional, technological and propaganda. That the website has been the target of relentless attacks would not come as a surprise, but it has also weathered boycotts and a denial of service by companies such as PayPal, which

stered by the unexpected induction of Congress general secretary, Priyanka Gandhi Vadra, into the U.P. campaign.

Undoubtedly piqued by the Congress’s exclusion from the Opposition alliance, Congress president Rahul Gandhi had declared at the time that the Congress wasn’t a pushover and would play on the front foot. This was clearly not an idle boast as could be seen from the Congress choosing to field candidates who could cut into the alliance votes, especially where the party’s candidate was a Muslim, as in Saharanpur, Moradabad, Badaun, Bijnore and so forth. The obvious gainer from this would be the BJP, unless Muslim voters were able to muster extraordinary acumen and decide overwhelmingly in favour of the alliance. Past data shows that a united Muslim vote is a myth. A split Jat vote across western U.P. posed a similar threat to the alliance.

When I travelled in the same parts in February 2017, ahead of the Assembly election, it was to find the community still trapped in the spell cast by Mr. Modi in 2014. The assumption that Jats felt remorse for betraying the RLD and their leader Ajit Singh, was not borne out. Two years on, it was evident that community loyalties had not fully returned. Jat vote consolidation was visible only on the two seats contested by Mr. Singh and his son, Jayant Chowdhary. The vote was split vertically on other seats despite the three-way alliance between the SP, the BSP and the RLD. The Jat attraction to Mr. Modi was strong, and distressingly, most conversations with community leaders and voters, deceptively cordial in the beginning, ended in a tirade against Muslims. This despite an admis-

sion that tensions had cooled between Jats and Muslims and the *ma-houl* (atmosphere) had improved considerably from the time of the 2013 Muzaffarnagar communal conflagration. One often heard refrain was that the RLD had made a political compromise and there had been no real change of heart.

This is a warning sign equally to the SP-BSP pact. The alliance’s future depends upon a lasting understanding between the partners and a seamless transfer of votes between their respective constituencies. The alliance has been helped in this election by a confluence of factors, among them farmer distress across communities, and a feeling, among Muslims and Dalits, of being overrun by the Yogi Adityanath Government. Farmers, both Jats and Muslims, are facing the triple whammy of delayed payment for sugar cane, mounting debt and an inability to dispose of their unproductive cattle. This commonality is one reason for the reduction of Jat-Muslim tensions.

As against this there is the looming Modi factor, and the mesmeric pull of toxic Hindutva, now represented by the likes of terror-accused Pragya Singh Thakur. The alliance has to hold strong, and prove that it is an alliance of substance and not merely a one-off arithmetical wonder. It needs to do this for itself, and even more because failure is not an option. Against all expectations, the SP and the BSP have come to represent the only viable Opposition to the BJP and it is a responsibility that cannot be carried lightly.

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refused to allow WikiLeaks to seek donations using the service.

So what is the crime that Mr. Assange has actually committed? His lawyer Barry Pollack says: “The factual allegations ... boil down to encouraging a source to provide him information and taking efforts to protect the identity of that source... Journalists around the world should be deeply troubled by these unprecedented criminal charges.”

Closer home, in early March, Attorney General of India K.K. Venugopal told the Supreme Court that the Rafale documents that were published by this newspaper had been “stolen” from the Defence Ministry. Mr. Venugopal had sought an investigation to find out if their publication should be deemed a crime, and a violation of the Official Secrets Act. The Editors Guild, separately, and the Press Club of India, the Indian Women’s Press Corps and the Press Association said his statements had “the potential of sending out a chilling effect to one and all in the media”.

It is precisely this “chilling effect” that the U.S. is hoping to have on every single journalist across the globe by attempting to have Mr. Assange in solitary confinement in a maximum security prison in the U.S. for years. For the exposés that Mr. Assange has spearheaded, the U.S. intends to make him an example, asserting its prosecutorial authority over a person who is not even a U.S. citizen.

Even in Sweden, there is no longer a case against Mr. Assange. The fact is the international arrest warrant over allegations of sexual assault and rape that Sweden had put out against Mr. Assange was suspended by Swedish prosecutors. They suspended the investigation and applied to revoke the European arrest warrant way back in May 2017. Sweden is, however, considering reopening the investigation.

His complex legal issues continue. A British court, on Wednesday, May 1, sentenced Mr. Assange to 50 weeks in jail for jumping bail when he took refuge in the Ecuadorian Embassy. On Thursday, May 2, the U.S. will also begin its attempt to extradite him, which is said to be a protracted process. But it is encouraging that British Labour leader Jeremy Corbyn has unequivocally said: “The extradition of Julian Assange to the US for exposing evidence of atrocities in Iraq and Afghanistan should be opposed by the British government.”

If therefore Mr. Assange should be a free man, there is need to build an international campaign against his continued incarceration. It is after all to ensure that journalism, free, fair and courageous, cannot be allowed to be trampled upon by the U.S. and the U.K., two democracies, which otherwise claim to be the best of the breed.

Subhash Rai is Digital Editor, The India Forum

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.

Apologise, says court

By insisting that Congress president Rahul Gandhi should offer a clear-cut apology, the Supreme Court has made it crystal clear that it will not tolerate irresponsible behaviour (Page 1, “SC insists on apology from Rahul”, May 1). Mr. Gandhi should have put the matter to rest by admitting his mistake and offering an unconditional apology. Instead, the attempt to be clever by half in his affidavit, by having the word “regret” in brackets has only landed him in a soup. The top court’s stand will also act as a deterrent against being irresponsible.

PREETHAM K., Gajjanur, Shivamogga, Karnataka

‘Prove citizenship’

I do not intend to advocate the candidacy of Rahul

Gandhi but I feel it is strangely convenient for the Bharatiya Janata Party to have suddenly woken up to the need for him to provide the “factual position” on his citizenship, and in the middle of the general election (Page 1, “MHA raises issue of Rahul’s citizenship”, May 1). If this complaint goes back to 2015, why didn’t the Home Ministry highlight it till now? Is the ruling dispensation running out of better issues?

KSHTIYU MANI TRIPATHI, Lucknow, Uttar Pradesh

It is strange that the ruling party is resorting to every trick in the trade to retain power. After having accused the Congress of working in favour of Pakistan, it appears to resurrected the issue of “citizenship”. Why is the Home Ministry flogging a

dead horse?

VIDHYA B. RAGUNATH, Thanjavur, Tamil Nadu

It was the very same BJP that had raised objections when Sonia Gandhi began to make her presence felt in politics, citing her foreign origin. Now, the BJP appears to be resorting to the same trick. The BJP’s greed for power has also been proved by the Prime Minister’s statement in West Bengal recently when at an election rally he said “that 40 Trinamool MLAs” could be with him. Have we ever heard any of our Prime Ministers making such distasteful statements?

D. SETHURAMAN, Chennai

There cannot be smoke without fire. There are records to show some evidence and it is a sensitive

issue. Rather than take refuge under the argument that the case was dismissed earlier, Mr. Gandhi should come clean on his citizenship.

RAGHAVENDRAN RAGOTHAMAN, Udihagamandalam

The elusive snowman

I was amused by the report, “Army claims its climbers spotted Yeti footprints” (Inside pages, May 1). The statement by an Indian Army official who says the claims have evidence and that this will “excite scientific temper and rekindle interest” in the subject seems strange. “Exciting scientific temper” about a mythical subject issue is not only funny but also stretching things a bit too far. Many mountaineering expeditions have claimed to have sighted such evidence in the past. In a research paper back in the

1950s, professor M.S. Mani, a famous zoologist (also founder of the school of entomology, St. John’s College, Agra and former deputy director of the Zoological Survey of India), established that the “large footprints” sighted in the higher reaches of the Himalaya and attributed to the so-called snowman/yeti, are actually those of the brown bear. He was a pioneer in the field of research on ‘high altitude insects’. There is no scientific evidence on the snowman. The Indian Army should have checked itself from spreading misinformation.

S.K. KULSHRESTHA, Dehradun, Uttarakhand

Even is there is solid evidence to “prove” that the being is the elusive Yeti, let us, for Nature’s sake, not disturb a pristine

environment. We must learn not to endanger species that have been living and surviving in the lap of nature. Some things are best left alone.

M. PRADYU, Thalikkavu, Kannur, Kerala

Exam fiasco

The serious errors committed in the Telangana State Board of Intermediate Education results this year should be an eye opener to all policymakers and bureaucrats in all educational boards (Editorial, “Off the mark”, May 1). These inexcusable errors not only affect students but also jeopardise the hard work put in by their teachers throughout the academic year.

S. ANANTHARAJ ABRAHAM, Chennai

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