



A welcome move

India will now have among the strongest net neutrality regulations

In a vital decision that will help secure the rights of Internet users in the country, the Telecom Commission has approved the recommendations of the Telecom Regulatory Authority of India (TRAI) on net neutrality. By endorsing steps that call for amendments to access services licences for Internet Service Providers (ISPs) and Telecom Operators, the Commission has made it clear that any violation of net neutrality will be treated as a violation of the licence conditions. It has said that some specialised and emerging services such as Voice over Internet Protocol (VoIP) may be exempt from the non-discriminatory principles, but these cannot be at the cost of the overall quality of Internet access. Combining this approval with the fact that TRAI had barred telecom service providers from charging differential rates for data services (zero rating, for example), India will now have among the strongest net neutrality regulations. This is as it should be. Net neutrality is the basic principle of an open Internet that does not allow for content discrimination by ISPs. The user is free to access any web location at the same paid-for speed without any discrimination by the ISP.

This proviso has helped democratise the Internet and undergird its growth from a networked system of computers that enabled e-commerce, social interaction, knowledge flow and entertainment, among other functions. Internet pioneers – including World Wide Web inventor Tim Berners-Lee and Transmission Control Protocol/IP Protocol co-inventor Vint Cerf – have consistently maintained that the principle of net neutrality is built into the structure of the Internet itself. The layers and protocols for connectivity via the network have been erected in such a way that access is seamless irrespective of the nature of the physical infrastructure of the network. It is to the credit of the Telecom Commission and TRAI that this principle has been upheld in India – in contrast, in the U.S., on President Donald Trump’s watch, the Federal Communications Commission repealed net neutrality regulations that had been put in place by the Barack Obama administration. The repeal was ostensibly to allow ISPs and broadband providers to invest in new technology although evidence shows that such investment was not affected by the regulations. The other argument for the repeal has been a functional one, suggesting that the Internet is very different today, controlled by a handful of big companies, unlike the much more egalitarian environment earlier; and that therefore, the principle is redundant now. This is misleading. In India, for instance, the steep growth in Internet access and use has allowed for newer services to thrive. The government should now ensure that net neutrality is followed in practice.

Transatlantic rift

Donald Trump shakes the NATO consensus further by talking defence budgets

The summit of North Atlantic Treaty Organisation leaders in Brussels was expected to be tense, given the widening rift in the Western alliance over the U.S.’s imposition of trade tariffs. But President Donald Trump’s call to member-countries to double their annual defence expenditure to 4% of GDP has the potential for greater harm than his repeated denigration of NATO or his disregard for diplomatic niceties. European countries have for some time been smarting under Washington’s persistent attack on their failure to honour the current commitment to raise their defence budgets to 2% of annual output by 2024. NATO members were reminded of the unequal burden-sharing within the organisation via letters despatched from the White House ahead of the summit. Mr. Trump can launch his latest offensive largely due to the latitude he enjoys on account of the U.S. spending well in excess of 3% of GDP on defence in 2017-18. He took aim especially at Germany, highlighting in particular the incongruity between its military spending and huge trade surplus with the U.S. A relatively recent dimension to the diatribe is the attack on Germany’s large imports of gas from Russia, a divisive issue within Europe, particularly after the threats posed by Moscow’s regional ambitions. Besides putting Chancellor Angela Merkel in a spot, it served to deflect attention from criticism across the Atlantic of Mr. Trump’s proximity to Russian President Vladimir Putin and their bilateral meeting in Helsinki.

Notwithstanding Mr. Trump’s claims, Europe’s expenditure on defence has been on the rise since 2014, according to the International Institute for Strategic Studies (IISS). One explanation for this shift is the security situation following Russia’s annexation of Crimea. IISS data also show that Washington’s commitment to Europe’s security is just over 5% of the total U.S. defence budget. Within that, its contribution to NATO’s common funding is an estimated 22.1%, besides investments in other initiatives. Some of Mr. Trump’s predecessors in the White House had sought to address this imbalance, but without ever questioning the commitment of Washington’s allies to the bloc’s collective defence, or using it as a bargaining chip. Conversely, exploiting Europe’s greater dependence on the U.S. security umbrella serves to bolster Mr. Trump’s domestic nationalist constituency ahead of the November mid-term Congressional elections. While not all Republicans may approve of the President’s offensive against American allies, many prefer to emphasise substance over style. The communiqué issued after the summit reiterates the group’s resolve to meet the 2024 deadline on defence spending. But Mr. Trump seems impatient on achieving the target sooner, without spelling out his reasons. The world will learn more about Mr. Trump’s America First agenda in the coming months.

Politics over the Constitution

Constitutions can be changed if they prove wanting. But there must be good reasons for doing so



NEERA CHANDHOKE

Though the phrase “history is written by the victors” is attributed to Winston Churchill, the origins of the catchphrase are lost in the mists of time. Professional historians scoff at the idea, for they wish to write for, and on behalf of, the subaltern. But political parties, which come to power with a majority, take the axiom very seriously indeed. Take the members of the Bharatiya Janata Party and their ideological backbone, the Rashtriya Swayam-sevak Sangh (RSS). Though it engages in double-speak, clearly the right wing intends to rewrite the history of India and of the Constitution, if not today, then tomorrow.

A contextualisation

Union Minister Anant Kumar Hegde apologised to Parliament for his remark last December that the BJP had come to power to change the Constitution, but he did state as much. The chairman of the Indira Gandhi National Centre for the Arts, the right-winger, Ram Bahadur Rai, said so to a news magazine in June 2016. There is no indication that they and other leaders have changed their mind. The RSS did not participate at all in the history of our freedom struggle which culminated in the making of a Constitution. Therefore, the erasure of history is a must. The right wing is tiresomely predictable, and anyone can foresee that the first casualty of the exercise will be secularism. The second will be democracy.

The proposal for change appears quite senseless. The Indian Constitution is large and unwieldy but it is considered to be one of the finest in the world. The authors of the constitutional draft, especially B.N. Rau and Dr. B.R. Ambedkar, were known for their mastery of comparative law, history, politics, sociology and the literary idiom. More importantly, the Constitution was the outcome of two major movements in Indian history that shaped each other. One was the series of colonial laws enacted to govern India; notably the Government of India Act, 1935. The second was the freedom struggle that brought together large numbers of Indians in a spectacular anti-imperialist and nationalist project. The historical struggle generated imaginations, aspirations and ideals that were indisputably democratic.

As early as 1928, an All-Parties Conference established on May 19 a committee chaired by Motilal Nehru to consider and determine a future constitution for India. Among noteworthy recommendations of the committee was an integrated list of social, economic and political rights, minority rights, and universal adult franchise. The Motilal Nehru Report dismissed the idea that non-literacy could pose a problem for universal adult franchise. “Political experience can only be acquired by active participation in political institutions and does not entirely depend on literacy.” The report deeply inspired the Constituent Assembly, which met in the wake of momentous movements for Independence in the 1940s. Introducing the resolution on the aims and objectives of the Constitution in the Constituent Assembly on December 13, 1946, Jawaharlal Nehru acknowledged that the strength of the



C.V. SUBBAHANYAM

people were behind the Assembly. He committed that ‘we’ shall go as far as the people, not any party or group, but the people as a whole shall wish us to go.

The Assembly also met in the shadow of tremendous violence sparked off by Partition. Despite major destruction of lives and property, the makers of the Constitution continued to hold fast to the values of the freedom struggle: democracy, fundamental rights, minority rights, limited government, rule of law, and an independent judiciary. That is why the Indian Constitution has held a fractious body politic together, when country after country in the post-colonial world has fallen prey to authoritarianism. It has enthused us; it has enabled us to make the transition from subject to citizen. There is cause for celebration.

Not on the same page

Not all Indians rejoiced. The Constitution was finalised on November 26, 1949. On November 30, 1949, the mouthpiece of the RSS, the *Organiser*, lamented that the Constitution does not mention unique constitutional developments in ancient Bharat: Manu’s laws written much before the laws of Lycurgus of Sparta or Solon of Persia (sic). The organisation disdained the national flag and berat-

A helping hand for Indian universities

Leadership in philanthropy is central to enabling an institutional vision for higher education



C. RAJ KUMAR

The future of Indian universities (public and private) will significantly depend upon our ability to harness the possibility of individual, institutional and corporate philanthropy for the purposes of higher education. A major legal and policy reform to promote some form of mandatory corporate social responsibility (CSR) was initiated through the Companies Act, 2013. Path-breaking, it had the potential to transform the relationship between business and society. Unfortunately, the results so far have not been encouraging.

Misinterpreting CSR

The Ministry of Corporate Affairs (MCA) has observed that among the 5,097 companies that have filed annual reports till December 2016 (financial year 2015-16), only 3,118 companies had made some contribution towards CSR expenditure. During FY 2014-15, 3,139 companies had spent 74% of the prescribed CSR expenditure – most were to the Prime Minister’s Relief Fund. There has been very little strategic thinking and innovation in the CSR where corporations can play a leadership role in

contributing to society. This also shows that companies in India have generally not understood the larger goals of CSR, viewing it more as a charitable endeavour.

While there is much that deserves attention under the CSR framework for contributing to the social sector, the fact is that higher education and universities do need to receive significantly more attention. Every aspect of a university’s growth requires substantial financial resources: hiring of world class faculty; developing research centres; funding research projects; having rewards and incentives for faculty publications; building physical infrastructure, and making available scholarships for students. The Ministry of Human Resource Development should be working closely with the MCA to have a road map that incentivises CSR funding to be made available for universities.

The funding factor

Some years ago, a report by a committee constituted by the then Planning Commission and headed by the then chief mentor of Infosys, Narayana Murthy, focussed on the role of the corporate sector in higher education. It acknowledged the importance of stronger private initiatives and recommended steps such as free land for 999 years (sic), 300% deduction in taxable income to companies for contributions towards boosting higher education and 10-year multiple entry visas for foreign re-



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search scholars. It also recommended a ₹1,000 crore scholarship fund (with tax exemption for corporate sector contributions) to promote greater accessibility of higher education to the underprivileged. However, these recommendations were not implemented.

A range of reforms are being promoted in higher education. Recognising that universities in India need to be significantly empowered in order to achieve excellence, the government has initiated five major reforms in the areas of regulation, accreditation, rankings, autonomy and internationalisation. However, the most critical aspect of building world-class universities as well as upgrading existing universities is in relation to funding and the availability of substantial financial resources.

Every year, educationists have put forth the argument that we need to increase the budget for higher education. Marginal increases in budgets and creative reallocation of resources to show more spending on higher education are not going to help. A thorough and even a radical re-examination of budgetary resources is

essential. The higher education sector can be truly re-energised only by a significant increase in loans, grants and philanthropy. Banks and financial institutions have been rather timid and even indifferent towards funding in higher education. Therefore, there is an urgent need for policy intervention, where universities and related funding should be designated a priority sector. It should be seen as being more important than infrastructure development.

Of course, constitutions can be changed if they prove wanting. But there must be good reasons for doing so. Rewriting a Constitution to obliterate a history that records the non-participation of the religious right in the making of democratic constitutionalism, is hardly reason enough. In any case what would a constitution that reflects ancient Indian culture look like? Dr. Ambedkar had warned in 1948 that no democratic constitution can be modelled on the Hindu tradition of state and village panchayats. What is the village he asked, but a sink of localism, a den of ignorance, narrow-mindedness and communalism? Before it begins to speak of constitutionalising the soul of India, the religious right should recollect that this soul is deeply fractured by the indelible tracks of caste and gender.

Setting universal values

The Indian Constitution also gave voice to democratic aspirations in the Preamble. The Constitution is a normative document, but the values it espouses are universal and ‘thin’. They do not reflect the belief system of one section of the population even if it is in a majority. Nor do these values dismiss the value systems of minority groups. The religious right, however, intends to move to a thick conception of the good: this is what we should believe, this is what we should do.

Dr. Ambedkar had cautioned

against precisely this when he spoke in the Constituent Assembly on November 4, 1948. Citing Grote, the historian of Greece, Dr. Ambedkar talked of constitutional morality. This is best realised when citizens do not worship but revere the Constitution. It is realised when citizens possess freedom and rights. And it can be realised because the Constitution provides a framework to accommodate rival points of view as well as mechanisms for reconciliation. Only then will the Constitution be as sacred to our opponents as to ourselves. Only a thin conception of the good in the Constitution can hold a plural and diverse people together.

But constitutional morality, warned Dr. Ambedkar, has to be cultivated. Our people have yet to learn it, for democracy is only a top-dressing on an Indian soil which is essentially undemocratic. His words proved prescient. It is the institutionalisation of constitutional democracy that has changed the way Indians think of themselves in relation to each other, and in relation to the state. The Constitution has managed to inculcate democratic sensibilities and spark yearnings for more democracy, not less.

Those who would change the Constitution should reflect on Dr. Ambedkar’s words in the Constituent Assembly. On December 17, 1946, he reminded the Assembly that power is one thing, wisdom is quite another thing. When deciding the destiny of nations, dignities of people, dignities of leaders and dignities of parties ought to count for nothing. The destiny of the country should count for everything.

Neera Chandhoke is a former Professor of Political Science at Delhi University

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Issue of philanthropy

Beyond a few examples of philanthropy in higher education in India, contemporary leadership in philanthropy in higher education is limited and almost non-existent. The historical evolution of public universities in India and their exclusive dependence on the government for all financial resources have contributed to limiting the capacity of funding that could be available for public universities. Today, public universities (State universities and other higher education institutions) face serious financial challenges. While the Central universities and institutions of higher education are better situated, complex procedures, incessant delays, regulatory obstacles and a labyrinth of regulations for access to the funds have created many disincentives for universities to have the necessary freedom and flexibility to spend resources as per their needs and priorities.

As far as private universities/

higher education institutions are concerned, the problem is even more serious. The opening up of the private sector to higher education has ended up creating many mediocre institutions. The privatisation of higher education has not been driven by philanthropy but to a large extent by commercial and for-profit interests that do not have a symbiotic relationship with the vision, values and ethos of a university. Higher education and universities (private or public) by their very nature ought to be not-for-profit and established through philanthropy.

The Institute of Eminence (IOE) policy by the government did create hopes and expectations for establishing world class universities in India. Unfortunately, the policy, procedure and the process of selecting IOEs has been marred by a lack of transparency, vision and imagination in institution building. Therefore, there is an urgent need in Indian universities to reflect upon the crisis of leadership and the inability to seek reforms relating to institution building. In this, leadership in philanthropy is central to enabling an institutional vision that will help build the future of higher education in India.

C. Raj Kumar is the Founding Vice Chancellor of O.P. Jindal Global University, Sonapat, Haryana, and Director of the International Institute for Higher Education, Research & Capacity Building. E-mail: VC@jgu.edu.in

LETTERS TO THE EDITOR

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Tharoor’s analogy

Shashi Tharoor’s comment about the BJP turning India into a ‘Hindu Pakistan’ if it is returned to power is irresponsible, provocative and divisive (“Tharoor’s ‘Hindu Pakistan’ comments spark anger”, July 15). Mr. Tharoor is an unabashed flaunter of the secularist badge, but that cannot be the reason for him to indulge in scaremongering. The problem with Congress leaders is that in their overzealousness to trumpet their secularism, they end up antagonising the silent and tolerant majority which is the fulcrum on which India’s tradition of religious tolerance exists. Even a wordsmith like Mr. Tharoor needs to weigh his words carefully.

V.N. MUKUNDARAJAN,
Thiruvananthapuram

■ The BJP fears there is truth in Tharoor’s phraseology. The term Pakistan, one should logically assume, meant that country’s democracy, constitution and governance. The role of religion in administration and status of the main religion and other minority religions are clearly not acceptable to any democratic secular nation. In comparison, intolerance to dissent has been on the rise in India too. The role of the right wing in the present dispensation goes without saying. That the Congress is divided on the Tharoor issue, shows its part in the present situation that has arisen.

P.R.V. RAJA,
Pandalam, Kerala

A wish and 11 weddings

At a time when the two national political parties are engaged in a war of words,

reports such as “A nikah, and other weddings” (July 15) give us some hope that all is not lost. That there were couples of another faith who were also married at the same function is a lesson not only to the political class but also to us – that the common man recognises that divergent religions only strengthen our country’s secular base.

S. ARJUN PRASANNA,
Bengaluru

Winning gold

One is sure to have got goosebumps while hearing the commentary at the 2018 World Under-20 athletics championship in Finland – “Here comes Hima Das, the Indian. She is surging.” Her win is a moment of joy and pride for India and is sure to encourage young athletes. Starting with a junior programme and with the

right kind of training and support, there can be no doubt that this will help India in making a mark in track and field events. It is not the lack of talent that is holding India back.

P. ALARMELMANGAI,
Chennai

■ Hima Das may be India’s latest find but there is also another star in the making – 16-year-old Nisar Ahmed from Delhi who has also been burning the tracks. Even he, a sportsman from an underprivileged background, has been saying in many of his interviews, there is ample talent waiting to be discovered.

RAM SINGH,
New Delhi

Wimbledon 2018

Compliments to Angelique Kerber on winning her maiden Wimbledon title,

beating the favourite Serena Williams, who has had a dream comeback (‘Sport’, “Kerber wins it in style”, July 15).

This year’s championships can be labelled as a tournament of upsets for a number of stars like Simona Halep, Caroline Wozniacki, Garbiñe Muguruza and Sloane Stephens in the

women’s fixtures and Alexander Zverev, Marin Čilić, Del Potro and, above all, Roger Federer in the men’s fixtures. Rafael Nadal’s loss in the semi-finals and Serena Williams’s surrender in the finals were shocking.

JANAKI MAHADEVAN,
Chennai

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CORRECTIONS & CLARIFICATIONS:

>Editing error: A sentence in a report, “Hima campaigns for change in Assam’s indigenous heartland” (Sunday Special, July 15, 2018) erroneously said, “Mr. Upamanyu Hazarika is the father of Monalisa Baruah Mehta.” Monalisa’s father was a leading businessman and Hazarika is a Supreme Court lawyer and head of the anti-infiltration forum.

>In a Sunday Special report, “Global trail: Tramadol high on drug enforcement agenda” (July 15, 2018), the price of Tramadol was mentioned as ₹4 for every 50-gm tablet in the domestic market. It should have been ₹4 for every 50-mg tablet.

>In the report headlined “Sterile looks to mend ties with local people” (July 14, 2018, some editions), P. Ramnath, chief executive officer of Sterile Copper, was quoted as saying that the closure of the plant had affected 1.5 lakh workers. It should have been 1.5 lakh people.

The Readers’ Editor’s office can be contacted by Telephone: +91-44-28418297/28576300; E-mail:readerseditor@thehindu.co.in