



Entirely preventable

There must be a thorough inquiry into the lead-up to the deaths in Thoothukudi

The protest against the copper smelter plant of Sterlite Copper in Thoothukudi has witnessed its deadliest turn so far, with the death of 12 people in police firing. It was clear the movement would put up a show of strength on May 22, the 100th day of this phase of protests – in fact, the Madurai Bench of the Madras High Court had predicted that it was “likely to trigger a law and order situation” and declared that the “protesters do not have any intention of conducting a peaceful protest”. Yet, the Tamil Nadu government failed to gauge the intensity of what was coming. It is a tragic irony that such an angry and violent demonstration could have been staged at a time when the plant is not operational and after the Tamil Nadu Pollution Control Board refused to renew its consent to operate. It raises questions about the government’s failure to drive this point home forcefully, and casts a doubt about the real intent of some of the protesters, possibly a small section comprising hardline groups. The immediate task is to compensate the public for its losses and end the alienation of the affected communities through talks. But the commission of inquiry headed by retired judge Aruna Jagadeesan must examine why 12 lives were brutally snuffed out, more specifically, the chilling accusation that snipers were deployed by the police force to pick out protesters in a premeditated manner. Any police response must be commensurate with the gravity of the situation; there is no place for heavy-handedness and a disproportionate use of force. The inquiry must establish who gave the orders to fire and on what basis. Also, why the police failed to intervene well before the protest developed an angry head of steam.

Sterlite stakes claim to be India’s largest copper producer and is a major presence in Tamil Nadu’s industrial mix. But it has had mixed fortunes over the two decades of its production, including periods when it was under administrative orders of closure, a ₹100-crore fine imposed for pollution by the Supreme Court in 2013, and consistent opposition from fishermen. Now, there is a fresh injunction and the Madras High Court has restrained it from a proposed capacity expansion plan. This, together with the decision to not renew consent for operation, gives a moment for pause for all sides. An urgent process, such as an all-party meeting, is needed to heal the wounds, and infuse confidence in the community. A credible environmental audit should be undertaken, without compromising on the ‘polluter pays’ principle. The TNPCB, which usually scores poorly on transparency, should commission credible experts to assess the quality of air and water in Thoothukudi. Only such verifiable measures will build public confidence, and make orderly industrialisation viable.

Everyman

Philip Roth was unmatched in his unflinching depiction of post-War America

Philip Roth, who has died at 85, was a titan of post-war literature – by some assessments, the greatest of his generation. Across more than 30 books, he chronicled the best and worst of America, looking things in the eye and telling it like it was, writing about flawed beings, their dreams and nightmares, sexual and other predicaments. Themes of betrayal, love and loss, alienation, the struggle between political correctness and the desire to let go of all inhibitions were common to his oeuvre. Together with Saul Bellow and John Updike, Roth was considered the unflinching observer of 20th century America. Steeped in acerbic humour, which increasingly turned black, several of his best novels, including the American trilogy (*American Pastoral*, *I Married a Communist* and *The Human Stain*) were written in a stunning late-career resurgence. The Pulitzer Prize-winning *Pastoral* (1997) told the story of Seymour Irving Levov, a good, family man living the American dream, or so it seemed. These were the post-Second World War years, and by placing Seymour in this era, Roth critiqued the culture and politics of the time, leading up to the Vietnam war, with the sequels bringing the narrative arc up to the Clinton presidency. Nine of his novels featured his fictional alter-ego, Nathan Zuckerman (*The Ghost Writer*, *Zuckerman Unbound*, *Exit Ghost*), exploring almost every facet of his identity, from being Jewish to being a writer and a man. His “maleness” offended many readers, with his 1969 book *Portnoy’s Complaint*, about the young, middle-class, sex-obsessed Alexander Portnoy leaving critics happy and elders enraged. In 2012, Roth announced his retirement from writing. He said *Nemesis* (2010), about a polio epidemic in Newark, New Jersey, where he was born and which was the setting of many of his books, was his last. He said he had reread his favourite writers, Dostoevsky, Conrad, Hemingway, Bellow, and his own books, and thought he had had enough.

Writing on “behaviour in extreme situations” was Roth’s forte, tackling characters with “sheer playfulness and deadly seriousness”, recording “life, in all its shameless impurity”. His books can be classed under neat labels by the protagonist – Zuckerman, Roth (*The Facts*, *Patrimony*, to name two), Kepesh (*The Breast*, *The Dying Animal*) – and the four novels under ‘Nemesis’ which includes *Everyman*, a searing tale of life and death. Asked who were his favourite books, Roth mentioned two, *Sabbath’s Theater* (1995), the story of Mickey Sabbath, who is 64 going on 17, antagonistic and libidinous, which several critics hated, and *Pastoral*. In the Trump era, or in a divisive world for that matter, it is impossible to read his reimagining of history in *The Plot Against America* – what if F.D. Roosevelt had lost in 1940 and white supremacist Charles Lindbergh had won? – and not be touched by its eerie foreboding.

Do we need the office of the Governor?

To understand why we don’t, it is important to understand its origins in the colonial regime



GAUTAM BHATIA

Among all the players who strutted and fretted across the stage during the recently concluded Karnataka elections, it is the Governor of the State, Vajubhai Vala, who emerged with least credit to his name. His decision to first invite the Bharatiya Janata Party (BJP) to take a stab at forming the government was perhaps a legitimate exercise of his constitutional discretion (albeit without any recorded reasons for ignoring the post-poll Congress-Jana Dal (Secular) alliance’s claims to having an absolute majority). However, the invitation was extended at 9 p.m., and the swearing in fixed for 9.30 a.m. the next day, ostensibly to ward off any judicial challenges, and present a *fait accompli*.

His decision to grant B.S. Yeddyurappa 15 days to prove his majority, when the latter himself asked for only a week, was troubling enough for the Supreme Court to intervene and order an immediate floor test. So was his appointment of BJP MLA K.G. Bopaiah as Pro Tem Speaker to conduct the floor test, when the latter had been castigated by the Supreme Court in 2011 for partisan conduct (although this time the Court chose not to intervene). Each of the Governor’s actions was taken in that uncertain grey area of “discretion” – partisan enough to skew the process in favour of the BJP, but not illegal enough to warrant judicial intervention.

Short-term options

In the aftermath, some have called upon the Governor to resign; others have suggested that the post of

the Governor be reserved for non-political appointees; and still others have urged the Supreme Court to lay down the law on how the Governor ought to act when an election yields a fractured verdict. All of these, however, are patchwork solutions that miss the point: the flaw lies not with the identity of the individual who occupies the post, but in the design of the Constitution itself. If we want to put an end to the continuous misuse of the Raj Bhavan for partisan political ends in a manner that threatens both federalism and democracy, we have to rethink the role of the Governor in the constitutional scheme.

To do that, it is important to understand the origins of the office in the colonial British regime. Through the course of the early 20th century, the Indian nationalist movement managed to extract gradual and incremental reforms towards responsible government from the British rulers. These reforms culminated in the Government of India Act, 1935 which established provincial legislative assemblies elected from a limited franchise.

However, in order to ensure that overriding power remained with the British, the Act retained the post of Governor (a holdover from the old, “diarchy” system), and vested him with “special responsibilities” that, in essence, allowed for intervention at will. In a searing critique, K.T. Shah (who was later one of the most articulate members of the Constituent Assembly, or CA), wrote that the Governor would inevitably be biased in his functioning, and his actions would remain at odds with those of popularly elected Ministers.

Despite the nationalist movement’s bitter experience with Governors over almost three decades, the CA chose to retain the post, and continue to vest it with



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discretionary power. During CA debates, it was pointed out that the Articles dealing with the powers of the Governor were almost verbatim reproductions of the 1935 Act. Defenders of the office raised two broad arguments: first, that there was a dearth of competent legislators in the States; and second, that a certain amount of centralisation of power was necessary in a nascent state such as India. Concerned members of the CA were assured that the Governor would remain only a constitutional post, and would have no power to interfere in the day-to-day administration of the State. However, when Rohini Kumar Chaudhari raised a particularly prescient concern about the Governor’s powers to “form the first Ministry” and call upon “anyone, whether he has a big majority or a substantial minority”, this was brushed aside by saying that a no-confidence motion could soon resolve such issues.

A constitutional ‘choke point’

The CA debates around the office of the Governor reveal an important point. The Constitution was the culmination of the democratic aspirations of the people, and its major pillars – universal adult suffrage, the parliamentary system, fundamental rights – are all expressions of those aspirations. But

there were also moments where the framers lacked the courage of their convictions. If granting universal adult suffrage at one stroke was a leap of faith, then at other places, driven by concerns about maintaining national integrity and preventing disintegration in the teeth of the trauma of Partition, the framers pulled up short. They were committed to federalism – but not too much federalism, for fear of secession; they were committed to popular democracy, but also wanted to retain some manner of control, lest democracy unleash the kinds of passions that would trigger its own destruction. The office of the Governor represented one such “choke point” in the Constitution (ordinances and emergencies are others), where federalism and the popular will were to be kept in check from above, if the occasion ever arose.

The occasion arose very soon. Soon after the first general elections, the State of Madras went to the polls in 1952. In a 375-member Assembly, the United Democratic Front (UDF), a coalition of parties, held 166 seats. The Congress finished with 152.

The Governor, Sri Prakasa, ignored the UDF’s claim to form the government, and instead invited the Congress, which did form the government with Rajaji as Chief Minister, after engineering several splits and defections (including through offers of cabinet posts). The civil rights lawyer, K.G. Kannabiran, writes that “on this day of impropriety Rajaji became the chief minister of the first Congress government after Independence.” Rohini Kumar Chaudhari’s fears had come true, and the justification was eerily similar: the UDF’s communist orientation rendered it ineligible to govern (no matter how the people voted), and it was incumbent upon the government to ensure an orderly government. And so it has been ever thus.

The purpose of this history is not to draw an equivalence between 1952 and 2018, or to suggest that the sins of the past justify sinning in the present. It is to demonstrate that the post of the Governor, by constitutional design, acts as a check upon both federalism and popular democracy. And even though the framers insisted that it was only a “constitutional post”, Karnataka has just been the most recent example demonstrating that the Governor has enough discretion to skew the political process in the direction that the Central government desires.

Specify the rules

Perhaps we are not in a position to judge the wisdom of the framers’ choice in 1950, when they were driven by imperatives we can no longer assess. But we are certainly in a position to judge the wisdom of continuing with this in 2018: the idea of the Governor standing as a bulwark against secessionism, or providing legislative expertise to States otherwise starved of it, are no longer valid justifications. On the other hand, the Governor’s interference with the democratic process is both real and continuing. As history shows, the solution is not to tinker around the edges, or hope that the courts will come to our rescue. It is to ask whether the constitutional “choke point” of the Governor serves any valid purpose in 2018 – and if not, whether it should continue to exist. Would it not be better, for example, to clearly specify the rules governing government-formation in the Constitution itself, and reduce swearing-in to a purely ceremonial action, to be performed by the Chief Justice of the relevant High Court? This – or any other potential solution that does away with the “choke point” – is what must now be debated.

Gautam Bhatia is a Delhi-based lawyer

Natural capital in the 21st century

India must calculate ‘its green GDP’ to factor in the value of the environment in its growth



FEROZE VARUN GANDHI

A few years ago, India suffered a cost of \$550 billion, about 8.5% of GDP, due to air pollution, according to a World Bank report; the cost of externalities such as water pollution and land degradation were possibly far higher. Through commodity exports, we effectively transfer natural capital to our trade partners, raising the risk of desertification and land being degraded significantly. Within a century, our food production could see a loss of 10-40% if these trends continue. So when we crow about GDP growth, we should also consider the decline in natural capital in our national accounts.

Estimation is a challenge

The idea of having a national account for wealth accrued over a year is accepted in most major economies. Such national accounts (GDP, net national product, gross savings) provide a measure of an economy’s performance and form the basis for socio-economic policies, while highlighting the gap between potential and actual economic output.

GDP computations indicate the economic activity in a country, with rising GDP growth rate often

leading to international prestige. However, such estimates often exclude the variations in natural capital by assuming them to be constant and indestructible. Such natural capital is often self-generating (water, clean air) but needs to be handled in a sustainable way in order to avoid depletion.

Natural capital can cover entire ecosystems such as fisheries and forests, besides other hidden and overlooked services – for example, the regeneration of soil, nitrogen fixation, nutrient recycling, pollination and the overall hydrological cycle. Valuing such ecosystems can be challenging, with their market value often termed as zero. When pollution happens, it is actually a depletion of our natural capital as, for example, acid rain damages forests and industrial seepage affects water quality. In a modern economy, the challenge is to estimate such depreciation to natural capital.

Consider groundwater. Most groundwater basins in India are subjected to unrestricted extraction until the ‘marginal value of extracting water is less than the unit extraction cost’ – i.e. when the water table drops so low new borewells are needed. Effectively, any rents due to groundwater depletion are dissipated indefinitely.

Now many economists have pushed for an “environmental Kuznets curve”, highlighting that the ‘relationship between GDP per capita and the concentration of sulphur dioxide in the local air’ is



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an inverted U curve. Such a relationship leads to the postulation that people from ‘developing countries can’t place a weight on natural environment’ and should consider pollution as an acceptable side-effect of GDP growth.

However, this inverted U curve is found primarily for local pollutants that lead to short-term damages (sulphur, particulates) and not for pollutants that lead to long term and dispersed costs (carbon dioxide). In addition, the inverted U curve hides systemic consequences of emissions. We are long past treating natural capital as a luxury. In fact, it is a necessity.

While India might have a GDP of \$2.65 trillion in nominal terms, it fails to take into account the externalities of such economic growth. For example, India routinely suffers from high levels of air pollution that impose costs on local transport, health and liveability in urban and rural areas. When economic growth leads to the destruction of forests, wetlands

and woodlands for agriculture, mining or even urban expansion, it is typically the poorest of the traditional dwellers who suffer. Ecological collapse can soon come, examples being the Darfur region in Sudan and countries in the Horn of Africa. All were subject to rapid socio-economic decline.

Some attempts

India has sought to unveil “green GDP” figures in the past. In 2009, the Centre announced that it would publish a “green GDP” that would include the environmental costs of degrading and depleting our forests, grasslands and natural stock. An expert programme, sponsored by the Ministry of Statistics and Programme Implementation, released a *Compendium of Environment Statistics 2013*.

The group recommended that India shift to a system of measuring comprehensive national wealth, which includes items such as human capital, capital equipment and natural capital. However, implementation of such well-founded recommendations has been constrained by the lack of micro-level data on capital formation, particularly in a natural context.

While the 12th Five Year Plan undertook groundwater resource mapping at the national level, a similar focus is essential for data on land usage, forests and mineral wealth. India’s current national accounts incorporate such environmental considerations in a li-

imited fashion’. GDP includes the value of: minerals extracted; timber, fuelwood and non-timber forest products; natural growth of cultivated assets for some crops; and the output from dung manure. In addition, ‘gross fixed capital formation contains output estimates from the improvement of land along with irrigation works and flood control projects’. However, even in GDP estimates of timber value, there is significant under-estimation – non-monetised goods and services provided from timber forests are not considered.

India should seek to publish “green GDP” figures that take into account depreciation of natural capital stock due to economic exploitation and environmental degradation. This can follow the template provided by the UN’s System of Environmental-Economic Accounting.

A few studies have tried to document the ecological services offered by natural capital in India. But we need a ‘greater push for empirical studies of the potential value of such ecosystem services’. Adapting our national accounts in line with this framework will help in incorporating the value of the environment in our growth while helping us to focus on developing a feasible transition path to a green economy.

Feroze Varun Gandhi is a Member of Parliament, representing the Sultanpur constituency for the BJP

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.

Firing on protesters

It is shocking that the police resorted to firing at a rally taken out in Thoothukudi when the participants were demanding the closure of a copper plant (“Police firing claims 10 lives in T.N.”, May 23). The growing discontent among those living in and around the plant is well known and it is disconcerting that instead of addressing their genuine fears of the ill-effects of pollution, the powers-that-be continued to ignore them. The reckless handling of the protests and the extraordinary patronage extended to the offenders deserve to be condemned in the strongest terms.

S.V. VENUGOPALAN,
Chennai

Right from the time the unit was set up in Thoothukudi, there have been a series of protests at various points in times over the issue of rampant pollution. The fault lies with successive governments in the State for not paying heed to people’s distress. The government is wholly responsible for the shocking turn of events in which several people have lost their lives. Announcing compensation and ordering a probe serves no purpose (“Police fired under unavoidable circumstances: T.N. CM”, May 23).

K.R. SRINIVASAN
Secunderabad

Viral outbreak

The appearance of the Nipah virus in Kerala is the third

such outbreak in India, the first two having occurred in West Bengal in 2001 and 2007, which in turn were linked to similar outbreaks in Bangladesh. It is important that the common man is well informed about the mode of transmission of this zoonosis. Sustaining basic principles of personal hygiene may go a long way in the prevention of its spread, as in the case of most infectious diseases. The need of the hour is to also devote the time and resources to the study of the virus (Editorial – “The Nipah test”, May 23).

HAMSAVARDHINI V.,
Vellore, Tamil Nadu

Constitutional relations

Though one fervently wishes that the suggestions made by the writer are replicated in

India and made a statute, there are stumbling blocks (Editorial page, “Keeping each other on edge”, May 23). The first is that the judiciary remains fragmented at the highest level. Unless there is unity among judges no meaningful attempt can be made to forge conviviality between the judiciary and the executive. Likewise, the executive has serious problems – it is indirectly controlled by the incumbent government. It obeys the political class and does not enjoy any independence. It has no time for introspection and sane voices do not have relevance. One will be surprised if the core embedded deficiencies are set right in the near future. Until these defects are rectified, there is no

scope for thrashing out the differences between the two arms.

V. LAKSHMANAN,
Tirupur, Tamil Nadu

A river fad

I was both amused and sad to read the report, “State gears up to hold ‘pushkaram’” (Tamil Nadu, May 22) – on the plan for October and in a gap of 144 years. In several places, the Tamirabarani does not

even exist where it flowed in full splendour just a decade ago. In Ariyanayagipuram village, about 20 km from Tirunelveli, stretches of the river are either puddles or mounds of sand. Instead of holding a tamasha, the government should concentrate on restoring water bodies in the State.

A.R. RAMANARAYANAN,
Chennai

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CORRECTIONS & CLARIFICATIONS:

In “IPL 2018: Super Kings wins a humdinger” (Sport, May 23, 2018, some editions), there was a reference to the South African captain’s straight six off Bhuvneshwar Kumar off the last ball of the 40th over of the match. It should have been the first ball of the 40th over. It was corrected in the later editions.

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, Kasturi 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