



Gold winner

Sindhu is on course to become India's greatest woman athlete ever

P.V. Sindhu's victory at the badminton World Championships ought to be regarded as one of the finest achievements in the history of Indian sport. No Indian shuttler had claimed the World title before; certainly no one after Prakash Padukone and P. Gopichand came close to matching their All-England wins. With her brutal 38-minute dismantling of Nozomi Okuhara in Basel, Sindhu has broken new ground. After a string of losses in major finals, including the 2016 Olympic Games, the 2017 and 2018 World Championships, and the 2018 Commonwealth and Asian Games, Sindhu's big-game temperament had been questioned, even if unfairly. Those doubts have now been answered emphatically. Two years ago, Sindhu had lost to Okuhara in heart-breaking fashion at the same juncture; this time, Sindhu battered her Japanese rival. The 24-year-old from Hyderabad showcased some ferocious hitting, her 21-7, 21-7 win the most resounding margin in the women's singles final at the Worlds since the 21-point format was adopted in 2006. Indeed, Sindhu was in tremendous form throughout the Championships, dropping only one game – to old foe Tai Tzu-Ying in the quarterfinals – over the entire week. That win over Tzu-Ying, from a game down, seemed a turning point; in the semi-finals, World No. 3 Chen Yufei was simply tossed aside.

The World Championships triumph now augurs well for Sindhu's chances of winning gold at the 2020 Olympic Games. It is something no Indian badminton player – male or female – has managed. Of course, it cannot be taken for granted, for the women's field is remarkably strong; nor should Sindhu be put under pressure to deliver that gold medal. But there is no reason she should not be able to finish on top of the podium in Tokyo, or indeed become the dominant figure in women's badminton as she enters what is expected to be the peak period of her career. Sindhu's World Championships success will, it is hoped, also have a galvanising effect on women's badminton in the country. Outside Sindhu and Saina Nehwal, the country does not have any woman shuttler in the top 60 of the BWF World rankings (for week 34); a new generation of talent has to break through. In contrast, there are seven Indian men's singles players in the top 41. Among them is B. Sai Pranee, who reached the semifinals in Basel to become the first Indian man to clinch a singles medal at the Worlds in 36 years. Gopichand, India's chief national coach, deserves enormous credit for the country's rise as a force in world badminton. Sindhu is his most successful protégé; she is well on the path to becoming the greatest woman athlete India has produced.

Earth's burning lungs

Brazil's attitude to the destruction of large areas of the Amazon rainforest is worrying

The Amazon rainforest, the largest of its kind in the world, is ablaze, with over 9,500 distinct fires burning through its main basin since August 15. Overall, Brazil has seen more than 76,000 fires ravage the Amazon in 2019, of which around 10,000 have been started in the past few weeks, mainly by loggers and farmers seeking, as they do during the summer months, to clear vast tracts for agricultural or industrial use. However, this annual exercise of planned deforestation appears to have crossed a tipping point this year. There has been an increase of at least 80% in the number of recorded fires compared to the same period in 2018, according to Brazil's National Institute for Space Research (INPE). This week, images of darkening skies above Sao Paulo, more than 2,700 km away from the fires, went viral. The number and intensity of the fires are closely linked to the rate of deforestation. Some reports estimate that in July 2019, the Amazon shrunk by 1,345 sq km, up 39% from the same month last year, and a historical record. The flames are not confined just to Brazil either. In neighbouring Bolivia, deadly blazes are devastating forests and farmlands, so much so, that its President, Evo Morales, has put his re-election campaign on hold over the weekend, and, unlike his Brazilian counterpart Jair Bolsonaro, was quick to welcome foreign aid to help fight the fires.

The distinctly political undertones of the crisis in Brazil sets it apart. Mr. Bolsonaro's critics say that his economic and environmental policies have virtually set the stage for intensifying degradation of the Amazon's rich biodiversity. They argue that since he came to power this year, he has chipped away at the protections that the rainforest enjoyed, including by weakening the environment ministry when he made Ricardo Salles, found guilty of administrative improprieties for altering a map to benefit mining companies, the Environment Minister; by driving away Norway and Germany, principal donors who have backed protections for the Amazon; by sacking the head INPE over absurd allegations that he was disclosing how rapidly Amazon deforestation was happening; and by attacking both environmental charities, alleging without proof that they started fires to serve certain foreign interests, and indigenous Amazon dwellers. Under intense global pressure, including from the ongoing G-7 meetings of world leaders, Mr. Bolsonaro, a right-wing climate-change sceptic, appears to have relented to an extent, and has authorised 44,000 military troops to help with the firefighting efforts. Even if they succeed, and the Bolsonaro administration ultimately bends to global outrage over the destruction of a critical global ecosystem, the discernible shift in Brazilian public institutions responsible for guarding the future of the Amazon rainforest is a worrying sign of worse things to come.

Time to strike the gavel

The judiciary needs to dispel the perception that its standing as the guardian of constitutional rights is faltering



DUSHYANT DAVE

The biggest blow to the people of India was delivered by the Supreme Court of India on April 28, 1976. five-member Constitution Bench (the Chief Justice of India, A.N. Ray, and Justices H.R. Khanna, M. Hameedullah Beg, Y.V. Chandrachud and P.N. Bhagwati) delivered its judgment in the *Additional District Magistrate, ... vs. S.S. Shukla Etc. Etc.* The scars it inflicted on the Constitution, constitutional morality and constitutionalism are deep.

Emergency formulation

This was the judgment that allowed the suspension of the writ of habeas corpus during Emergency.

Some of the points made were: "In period of public danger of apprehension, the protective law which gives every man security and confidence in times of tranquillity has to give way to interest of the State." (CJI A.N. Ray); Enforceability, as an attribute of a legal right, and the power of the judicial organs of the State to enforce the right, are exclusively for the State, as the legal instrument of Society, to confer or take away in the legally authorised manner." (Justice Beg); "Personal liberty is but one of the Fundamental Rights... therefore the suspension of the right to enforce the right conferred by Article 21 means and implies the suspension of the right to file a habeas corpus petition or to take any other proceeding to enforce the right to personal liberty conferred by Article 21." (Justice Y.V. Chandrachud); "The Constitution... if it says that even if a person is de-

tained otherwise than in accordance with the law, he shall not be entitled to enforce his right of personal liberty, whilst a Presidential order under Article 359, clause (1) specifying Article 21 is in force I have to give effect to it." (Justice Bhagwati).

This was an anti-constitutional and anti-people decision. But in the true spirit of Rabindranath Tagore's words, Justice Khanna held: "If they answer not to your call, walk alone."

"But Article 21 cannot be considered to be the sole repository of the right to life and personal liberty. The right to life and personal liberty is the most precious right of human beings in civilised societies..."

Justice Khanna said, "The cases before us raise questions of utmost importance and gravity, questions which impinge not only upon the scope of the different constitutional provisions, but have impact also upon the basic, values affecting life, liberty and the rule of law... What is at stake is the rule of law. If it could be the boast of a great English judge that the air of England is too pure for a slave to breathe, cannot we also say that this sacred land shall not suffer an eclipse of the rule of law and that the Constitution and Indian laws do not permit life and liberty to be at the mercy of absolute power of the executive, a power against which there can be no redress in courts of law? Even if it chooses to act contrary to law or in an arbitrary and capricious manner... The question is whether the laws speaking through the authority of the courts shall be absolutely silenced and rendered mute because of such threat."

Rights in Kashmir

That was during the Emergency. Today, there is no Emergency, yet



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the constitutional and basic rights of scores have been suspended in Jammu and Kashmir (J&K). Worse, the Supreme Court has virtually taken away their constitutional remedy to enforce those rights. Regrettably, the court has treated habeas corpus petitions in a most casual manner by justifying negation of the rule of law. Two episodes – though not directly connected – have left us searching for answers as to functioning of the court.

While adjourning for two weeks, a writ petition challenging the imposition of restrictions in Jammu and Kashmir, following the abrogation of Article 370, a bench of the top court, on August 12, 2019, merely accepted the pleas of the Attorney General on behalf of Centre to the effect that, "we have to ensure that law and order situation in Jammu and Kashmir is maintained and that it will take a few days to return to normalcy." It further observed, "the situation is such that nobody knows what exactly is happening there. Some time should be given for bringing normalcy."

In other words, the top court – the custodian of the right to life and liberty – handed over its duty to the Central government. Subsequently, on August 16, another court bench hearing writ petitions on lifting the communication ban said, "let us give it a bit of time" and adjourned these matters to an unspecified date. During the hear-

ing, the Central government urged that "things will settle down in next few days" and that "these are security related issues that are best left to the government and armed forces".

The court's handling of these cases is a harsh reminder of the ADM Jabalpur case. More than a million people have been locked down in one of the biggest clamp-downs by the Indian armed forces; and all under the cover of Section 144 of Cr.P.C. Article 21 is about life and liberty, and all that the Supreme Court has done is to defer these crucial matters without taking the government to task. In the first instance, the state failed "to ensure normalcy" from the day it abrogated Article 370; it has now tried to buy more time from the top court to do so. The "situation is such that nobody knows what exactly is happening there", but that is precisely why it is the duty to court to ascertain true facts. It cannot shy away from doing justice in the name of "security" and "law and order".

It is not suggested here that the security of the nation can be compromised; nor can one argue that law and order ought not to be controlled. But preservation of both is the duty of the state. If it intends to do so by taking away fundamental and basic human rights then one can infer that the state has failed in its duty.

An individual's rights

Equally, the court's approach to protecting the rights of individuals is disturbing as seen in the case of the former Union Minister P. Chidambaram. On August 14, 2017, the Supreme Court entertained an SLP filed by the Central Bureau of Investigation (CBI) on the same day, included in the supplementary list as the last item before the Court of the CJI. The order of the

Madras High Court appealed against was stayed. On February 22, 2018, the Supreme Court entertained the CBI's interlocutory application on being mentioned and listed it for the next day. In both these cases, the respondent was Karti P. Chidambaram. Contrary to these actions, on August 21, 2019, it shied away from entertaining a petition by Mr. P. Chidambaram on super technical grounds. On August 16, a court bench entertained a petition filed by the Serious Fraud Investigation Office, on the same date and stayed the order of the Madras High Court. The reluctance to even list the matter on the same day is disappointing.

It is not suggested for a moment that Mr. Chidambaram should not face the inquiry. But in a case where the retiring Judge of the High Court delivers the judgment after several months and in the afternoon (3 p.m.), virtually making it impossible for the petitioner to get relief from Supreme Court and which simultaneously fails to extend the interim protection which was operating for this period, is a case where the top court should have intervened. In its actions, the top court that made the right to anticipatory bail sacrosanct (*Gurbaksh Singh Sibbia Etc vs State Of Punjab*, 1980) has now made it infructuous. Does the judiciary have to be reminded of the fundamental principle, *actus curiae neminem gravabit* (no person should be prejudiced by an act of Court)?

The judiciary needs to dispel the perception that it is no longer the pillar created to protect constitutional and legal rights. In any failure, its stature and status as the "bulwark of the rule of law and the democracy" will be compromised.

Dushyant Dave is Senior Advocate, Supreme Court of India

Giving wings to better air connectivity

A cooperative federalism framework can provide the required impetus to the civil aviation sector



USHA PADHEE

Civil aviation is a Central subject and one that barely got significant attention from the States until recently. It is evident from the fact that very few States in India have active civil aviation departments. This is also due to the reason that States have had a passive role, invariably, having had to look up to the Central government for the development of airports and enhancing air connectivity. However, in the last four years, the situation has changed considerably.

The cooperation of States is seen as a major factor in the growth of the civil aviation sector. The Regional Connectivity Scheme, UdeDeshaAamNaagrik (UDAN), has become a game changer as this flagship programme has a built-in mechanism to develop stakes of State governments in the growth of the sector.

Key policy interventions

Thirty States and Union Territories have already signed memoranda of understanding with the Central government. The policies of States and Centre are now being interlinked to make flying accessible and affordable. Governments are poised for the growth as they have the potential to strengthen their partnership under the cooperative federalism framework to provide the required impetus to

the sector. Here are some policy intervention suggestions to jumpstart the aviation market.

For any airline in India, the cost of Aviation Turbine Fuel (ATF) forms about 40% of the total operational cost. Keeping petroleum products out of the purview of Goods and Services Tax (GST) may be a policy imperative for the State governments but this is a step that adversely impacts the expansion of air services to the States. States have very high rates of value-added tax (VAT) on ATF – sometimes as high as 25% – which has dampened the growth trajectory of civil aviation. ATF is a small component of overall petroleum products and deserves to be treated separately.

The airline industry is capital-intensive and works on very thin profit margins. Therefore, relief on ATF is a major incentive for airlines to augment their operations. For States, it would be a notional revenue loss which can be offset by enhanced economic activities as a result of increased air connectivity to the region. An International Civil Aviation Organization (ICAO) study has shown that the output multiplier and employment multiplier of civil aviation are 3.25 and 6.10, respectively. Empirically, this has been proved in many airports within India where the connectivity has changed the economic landscape in a positive way.

Pending the decision on ATF at the GST Council where States are the major stakeholders, UDAN has motivated State governments to reduce the VAT on ATF to 1% for the flights that are operated under this scheme. Airports such as Jhar-



S.S. KUMAR

suguda (Odisha) and Kolhapur (Maharashtra) have successfully attracted airlines to connect these hitherto unconnected regions. Reducing VAT on ATF is the biggest lever States can operate, which will enable them in being an equal partner in steering sector policy.

Airport development

The second area is in the development and management of airports. There are many regional airports which can be developed by States on their own or in collaboration with the Airports Authority of India (AAI). In this, there have been different models of public-private-partnership which can be leveraged to develop infrastructures. Land involves huge capital and is a scarce resource. Innovative models can be explored to create viable 'no-frill airports'. These functional airports can open up regions and change the way people travel. India had about 70 airports since Independence until recently. Under UDAN, the Union government, with the help of the States, has operationalised 24 unserved airports over the past two years; 100 more are to be developed in the next five years, which can only be achieved through the active collaboration

between willing States and the Centre.

Linking the hinterland

Third, States and the Central government can play a crucial role in supporting airlines to develop air services in the remote regions. To reduce operational cost of airlines and airport operators, incentives from State governments have been sought: some in the form of financial support such as VAT reduction; sharing of viability gap funding with airlines, and non-financial incentives such as providing security and fire services free of cost to airport operators. Similarly, under the scheme, the Union government has declared concessions on excise duty on ATF and made budgetary allocations for airport development. This unique scheme has been successful in encouraging airlines to operate on regional unconnected routes instead of trunk routes. Market appetite and aspirations of remote areas can match the plans of airlines where States play a catalytic role. Under UDAN, some success stories have motivated States to announce innovative approaches and policies in support of airlines.

However, to attract airlines from regional to remote connectivity, further interventions are necessary. Considering the infrastructural constraints and difficult terrain, small aircraft operators need to be encouraged. Many a time, policy reluctance is observed considering the financial non-viability of the models to connect remote areas using smaller aircraft and helicopters. But air connectivity to these difficult regions is indispensable. Areas

which cannot be connected meaningfully by road or rail have to be linked by air. No doubt, they will be cost-effective if the economic analysis is factored-in. For example, travel from Dehradun to Pithoragarh (both in Uttarakhand) by road takes 16 hours and communication is almost cut-off in the rainy season. Air connectivity would not only bring down travel time but also be a boon in emergencies. This is also true for northeast India, the islands and also hill States.

Convergence is an element in governance which is often overlooked due to a compartmentalisation in implementation. States may converge their relevant schemes relating to tourism, health, and insurance for supporting air connectivity to supplement the objectives of regional connectivity.

Currently the penetration of the aviation market in India stands at 7%. There is potential to be among the global top three nations in terms of domestic and international passenger traffic. For this States need to create a conducive business environment to facilitate the strong aspirations of a burgeoning Indian middle class to fly at least once a year. It would boost ticket sales from the present level of eight crore domestic tickets. Developing airports, incentivising airlines and pooling resources of both the Union and State governments can accelerate the harmonised growth of the Indian civil aviation sector which would be equitable and inclusive.

Usha Padhee is Joint Secretary in the Ministry of Civil Aviation, Government of India. The views expressed are personal

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.

Restoring normalcy

The BJP has always criticised former Prime Minister Indira Gandhi for imposing Emergency, but what is happening in Jammu and Kashmir today is simply an undeclared Emergency. It is a shame that the shutdown in J&K continues, local leaders are still under house arrest, and there are still restrictions on communication and movement ("Cong. hits out at curbs in Kashmir", August 26). The government says everything is normal. If so, why are there protests, incidents of stone pelting and curfews?

Normalcy cannot be restored using military force. Unless the people willingly cooperate with the government, there cannot be normalcy.

D. SETHURAMAN,
Chennai

SPG cover withdrawn

It is hoped that the Congress accepts the government's decision to withdraw SPG cover for former Prime Minister Manmohan Singh without attributing political motives to the decision ("Manmohan Singh set to lose SPG cover", August 26). After all, Dr. Singh continues to have Z+

security. Prime Minister Narendra Modi had asked parliamentarians long ago to shun VIP culture. The government's move should be seen in this light.

P.R.V. RAJA,
Pandalam, Kerala

The government may cite lower threat perception as its reason for withdrawing SPG cover, but the political reasons are palpable. What else explains the fact that former Prime Minister Atal Behari Vajpayee was provided SPG cover even when he was bed-ridden and until his death?

GAGAN PRATAP SINGH,
Noida, Uttar Pradesh

War on plastic

Plastic has engulfed the world and become an existential threat to most life forms ("Let us wage a war on plastic, says PM", August 26). Even the oceans are full of plastic. While the problem is global, the war against plastic has to be fought locally. Single-use plastic is still rampant in India despite attempts to ban it. The government has to invest in researching and developing alternate materials that are as versatile and useful as plastic. Meanwhile, heavy fines should be imposed on those producing, purchasing and

using single-use plastic.

KOSARAJU CHANDRAMOULI,
Hyderabad

Media freedom

The Press Council of India's stand is detrimental to democracy, which requires both freedom of speech and freedom of the press (Editorial, "On the wrong side", August 26). Politicisation of the press has always been on the agenda of political parties and it is shocking that the PCI has allowed such politicisation.

TANMOY CHAKRABORTY,
Siliguri, West Bengal

On top of the world

P.V. Sindhu's performance in

the World Championships final was extraordinary ("Sindhu scales a peak no Indian ever has", August 26). It is incredible that she has been so consistent with her performance. This might be her first gold but it is her fifth medal at the World Championships. This outstanding and great victory puts her in the elite company of greats from India such as Prakash Padukone, Vishwanathan Anand, Abhinav Bindra and Pankaj Advani in individual sports and games.

VISHWANATH KOTekar,
Mangaluru

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