



Network challenges

As the telecom sector faces a price disruption, the regulator needs to bridge the data divide

There's a fresh twist in the tale for India's telecom sector, which is a success story with around a billion connections issued so far and about 350 million subscribers estimated to have smartphones. About ten months after beginning commercial operations and acquiring 125 million customers with attractive data and voice service offerings, Reliance Jio has announced a plan that could disrupt the telecom landscape by challenging existing price points. For a refundable security deposit of ₹1,500 and a tenth of that as monthly charges, it plans to give away free feature phones that will support 4G services and can be returned after three years. Incumbent service providers, now saddled with high debt that could turn into non-performing assets for lenders, would naturally be wary of this move – although analysts expect overall industry revenue to rebound from its declining trajectory. Similarly, Jio's proposition of connecting the phone to the television has affected the stock prices of direct-to-home service providers, though it may only offer three-four hours of such viewing per day. While rivals may need to rejig their service offerings to keep up, the disruptive potential of this development could be far more profound, especially in terms of bridging the country's digital divide.

India's Internet adoption rate remains among the lowest in the Asia-Pacific region with 422 million subscribers. A large chunk of them access the Net through smartphones. Although wireless data usage has shot up dramatically over the past year, 500-550 million Indians use feature phones that offer no data services. A Kleiner Perkins Internet Trends Report for 2017 notes that even though smartphone and data costs are declining in India, they are still too high for most. Cheaper phones as well as data are essential to bring online the next 100-200 million people. While market forces will come into play here, policymakers need to step up their game too. The government must rationalise the multiple statutory levies on telecom service providers, which have been flagged as major stress points for the sector. Moreover, if data is indeed the new currency, people must have greater control and negotiating power over how their own data is used by service providers or application developers. The Telecom Regulatory Authority of India, whose chairman R.S. Sharma has said network neutrality is critical in this digital era, must create an ecosystem where users are not stuck in walled garden environments offered by individual players. The government should consider the merits of China's cybersecurity law that requires tech firms to store all relevant data of local users within its sovereign borders. Apple has agreed to do this in China, but Indian iPhone users cannot even share logs pertaining to data speeds on local networks with the telecom regulator. A new strong new law should protect users' data and govern lopsided consent clauses set by service providers.

Winners all

How Indian cricket builds on the strengths of the women's team will be crucial

The buzz around women's cricket in India was never as heightened as it was during the ICC Women's Cricket World Cup. It reached a crescendo when India met England in the final at Lord's in London. India lost, agonisingly by just nine runs. But not before it left its cricketers richer for the experience and for the fan base that expanded in the course of the tournament. Unlike in the past, the campaign was a show of the collective. Mithali Raj and Jhulan Goswami are towering figures and have carried the burden for more than a decade and a half. But under their shadows a space has been created for the likes of Smriti Mandhana, Punam Raut and Harmanpreet Kaur to grow. Raj topped the run charts with 409 runs and was only one short of the tournament leader, Tammy Beaumont of England. But Raut and Kaur, accounting for 381 and 359 runs, respectively, were no flashes in the pan. That these individual feats resulted in a wholesome uplift of the team's quality when most needed – against New Zealand in a must-win game and against Australia in the semi-final following two resounding losses to South Africa and Australia – illustrated the players' powers of recovery and sense of occasion. As Raj put it, "I have seen the changes the girls have made. I've seen the transition. It will be a team that other teams will be looking out for. That's what I'm proud of."

Here lies the cue to the future. India reached the final of the 2005 edition too. But the gains were mostly frittered away. Raj and Goswami are the record holders for highest runs and wickets in one-day internationals. At the same time, the two have played a paltry 10 Test matches each. There has been neither a well-thought-out calendar of bilateral series and tournaments nor a competitive domestic structure as in England or Australia. One need not look further than Kaur to realise the role the Australian Big Bash League played in her development. When Raj called for a women's Indian Premier League, it is this lacuna that she was pointing to. For all its ills, nothing has democratised Indian men's cricket the way the IPL has. There have never been this many accomplished cricketers drawn from diverse backgrounds across the length and breadth of the country. A similar league for women may still be far-fetched, but its potential to initiate a grassroots revolution cannot be understated. In the past month, what kept fans riveted was the imagery of Kaur's hitting, Raj's poise, Raut's determination and Goswami's perseverance, and in the increasingly visual times we live in, these are likely to stay etched. How Indian cricket harnesses this positive energy will be crucial. As the legendary Shantha Rangaswamy said in an interview to this newspaper, "There has to be a will. Without follow-up action, this interest will just evaporate into thin air."

Taxing times for the States

The withering of the States' fiscal independence under GST strikes at the core of federalism



SUHRITH PARTHASARATHY

The new Goods and Services Tax (GST) regime, introduced by way of the 101st Constitutional Amendment, is based on a fundamental notion that uniformity in tax administration across the country is an idea worth cherishing. Indeed, the Union government has seemingly been so enthralled by its own enactment that it rolled out the tax on July 1 by organising an extraordinary midnight session of Parliament.

At its launch, Prime Minister Narendra Modi described the GST as a "good and simple tax", and as a reform of far-reaching consequences that would help integrate India into a single market with a standard rate of taxation. That India could take such a step, he said, was an example in "cooperative federalism". Or, as some others have described it, the GST is a product of a pooled sovereignty, where the States have voluntarily waived some of the critical fiscal powers that they hitherto enjoyed under the Constitution.

Denting fiscal autonomy

The rhetoric here can sound forceful. But much of this begs the question. For instance, we don't know so far why uniformity in tax or the creation of a single market is necessarily a good thing for a country like India. We aren't told how this will make us happier, or how it will enhance the causes of liberty and equality, the bedrocks on which our Constitution is built. What we do know, however, is rather damaging: that the GST, far from being a case of "cooperative federalism", is really an incursion into the authority that India's States have been permitted under the Consti-



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tution. The resultant withering of the States' fiscal independence strikes at the core of the Constitution's basic structure which the Supreme Court has held is inviolable.

The Constitution, as originally adopted, establishes a clear, federal arrangement. It prescribes two levels of government, one at the Centre and the other at each of the States. Although matters of national importance, such as foreign affairs and the defence of India, are assigned to the Union, the responsibilities placed on the States are also particularly salient. For instance, the power to legislate on public order, public health and sanitation, agriculture, water and land are all exclusively vested in the State governments. This authority, as Chief Justice Maurice Gwyer observed in the context of the division made under the Government of India Act, 1935, which the Constitution largely assumed, is no slight matter.

"We must again refer to the fundamental proposition... that Indian Legislatures within their own sphere have plenary powers of legislation as large and of the same nature as those of Parliament itself," wrote Gwyer, in *Bhola Prasad v. R.* As the constitutional scholar H.M. Seervai has said, if Gwyer's statements were true in 1942,

when he wrote them, they are certainly true now, when we have State legislatures functioning under a system of Cabinet government.

Partners in taxation

In this constitutional scheme, where State governments are seen as equal partners, the founders thought it necessary to be very careful in allocating the powers of taxation. The partition made for this purpose was highly intricate, and they ensured that the taxes assigned to the Union and the States were mutually exclusive. For instance, while the Central government was given the power to tax income other than agricultural income, and levy indirect taxes in the form of customs and excise duties, State governments were given the sole power to tax the sale of goods and the entry of goods into a State.

This division of fiscal responsibility was made with a view to making States self-sufficient, and with a view to supplying to regional powers the flexibility needed to govern according to the respective needs of their people. The underlying idea here was that States should be uninhibited in tinkering taxation policies in whatever manner they desired so long as their laws

conformed to the other constitutional dictates.

When resisting changes suggested to the draft Constitution in the Constituent Assembly, which demanded that the rates of sales tax be subject to parliamentary law, B.R. Ambedkar put it this way: "It seems to me that if we permit the sales tax to be levied by the provinces, then the provinces must be free to adjust the rate of the sales tax to the changing situation of the province, and, therefore, a ceiling from the Centre would be a great handicap in the working of the sales tax."

Confusion over GST Council

The introduction of the GST, however, militates against this grand constitutional objective, against the aspiration set out in Article 1 of the Constitution, which declares India as a "Union of States". In endeavouring to pursue the goal of creating a single market through a homogenisation of the tax regime, the amendment grants to both the Union and the State governments concomitant powers over nearly all indirect taxes. To further effectuate this effort, the law also creates a GST Council, which comprises the Union Finance Minister, the Union Minister of State in charge of revenue or finance, and the minister in charge of finance from each State government. In acting as a nodal agency of sorts, this council will recommend a number of things, among others the list of taxes that will be subsumed by the GST, the goods and services that will be exempt from the levy of tax, the rates at which tax shall be levied, and so forth. The council's decisions will require a three-fourths majority, but the Central government's votes will have a weightage of one-third of the total votes cast, according, thereby, to the Union a virtual veto.

Now, there's some confusion over whether the GST Council's decisions are actually binding on the various State governments. The

newly introduced Article 279A, which creates the council, describes its decisions as "recommendations", but it also grants the council the power to establish a mechanism to adjudicate any dispute that might arise between any of its members in implementing the recommendations. If the council's recommendations are to be treated as purely advisory, it leaves us wondering why we need a dispute resolution mechanism at all.

Which ever way one wants to read the provisions of the new law, it's clear that the amendment makes core changes to the fiscal division that the Constitution's makers so meticulously devised. As a result, we could potentially have a scenario where one or the other of the States chooses to ignore the council's advice, by levying additional tax not only on the sale of goods but also on services and manufacturing, subjects over which the Union enjoyed exclusive domain.

On the other hand, if these recommendations are treated as obligatory, we are left with a situation where States would have altogether surrendered their fiscal autonomy to the Central government. In such a case, a State would be barred from fashioning its laws in a manner befitting the necessities of its people.

India's federal architecture is premised on a principle that promises the maintenance of an internal sovereignty, where States function as separate political entities within the domains allocated to them. But often the drive to maintain federalism, where the Constitution demands it, goes beyond any obligation to preserve the rights of the States. It goes to the root of the constraints against all arbitrary power, and, to that extent, this amendment is a grave onslaught on the Constitution's basic structure.

Suhrith Parthasarathy is an advocate practising at the Madras High Court



KARAN THAPAR

Lost touch with Pranab Mukherjee after he became President in 2012. After all, a journalist can't go knocking on the doors of Rashtrapati Bhavan and expect to be let in or pick up the phone and natter with its exalted occupant. But in the decades before that, I felt I had established a relationship which revealed some of his remarkable qualities. Today, on the day Mr. Mukherjee returns to private life, let me share some of my stories with you.

The interview

Pranab Mukherjee can get angry quickly but he's faster to forget and forgive. In an interview in 2004, when I began by repeatedly and forcefully questioning his decision, as Defence Minister, to promote to lieutenant general a man who had been rejected on three separate occasions by an army board and suggested this was politicisation of the army, he was

visibly riled. When I then questioned if he had done this because the officer concerned was related to a senior Congress leader, his face became incandescent. I could see his veins throbbing. Finally, when I said this contradicted the then Prime Minister, Manmohan Singh's pledge to "recapture the spirit of idealism" and his "commitment to decency (and) morality", Mr. Mukherjee's fury made me fear he might walk out.

He didn't. Instead we changed subjects and carried on talking for another 20 minutes. When the interview ended, I apologised for annoying him. His response took me completely aback.

He threw back his head and laughed. His eyes were twinkling and I could see this wasn't put on. "You were doing your job and I was doing mine. I've known you long enough Korron (as he fondly mispronounced my name) to realise your bark is worse than your bite." Then, with his hand on my shoulder, we walked down Jamia's long corridors to his waiting car. He wanted everyone to know he wasn't upset. More importantly, he didn't ask for any cuts.

Years earlier, when his unwarranted 'banishment' from high politics had ended and he was



KAMAL NARANG

Narasimha Rao's Foreign Minister, I met him for an off-the-record briefing prior to an interview with Benazir Bhutto, who was at the time Pakistan's Prime Minister.

"You know what to ask, Korron," he said, brushing aside my reason for calling on him. "I would like you to take a message to her." In turn she gave me one for him and I thus got a second opportunity to meet him. This proved very useful because Salman Haider, then Foreign Secretary, refused to clear the interview for broadcast by Doordarshan. In those days that

was a huge stumbling block.

"Hmmm," Mr. Mukherjee responded when I told him how the interview was stuck. "I don't want to embarrass the FS by overruling him. Why don't you give it to a private channel and I'll ensure there is no further obstacle." That's exactly what I did. The interview ended up with more attention than it would have got on Doordarshan.

The prank call

My last story is to do with 26/11 in 2008. Mr. Mukherjee was, once again, Foreign Minister. At the time someone had made a hoax call to the Pakistan President claiming to be Pranab Mukherjee and got through. This caller, it was said, had threatened Asif Zardari. The Pakistanis raised the matter with Washington and, if I recall correctly, Condoleezza Rice, then Secretary of State, telephoned Mr. Mukherjee for clarification.

Now, on November 29, the day 26/11 ended, Asif Zardari gave me an interview. A few hours later, when I rang to thank him, he gave me a message for Mr. Mukherjee. "Tell him not to threaten me in future. This is not the way a Foreign Minister should behave." It took me a while to contact Mr. Mukherjee and he heard me in silence.

When I finished he made me repeat the story a second time. "Thank you, Korron," he said, but I sensed the episode wasn't over.

Hours later Satyabrata Pal, then our High Commissioner to Pakistan, rang with a full explanation and details to prove that the call that had upset Mr. Zardari was a hoax. I was asked to pass this on to the Pakistan President. I can't say Mr. Zardari was convinced but he was prepared to consider the matter closed. "Forget it," he laughed. "There are more important things happening in the world. Give Mr. Mukherjee my regards and make sure you tell him I'm a good guy." When I did, Mr. Mukherjee simply giggled.

I've recounted these stories to make three points. Mr. Mukherjee is a good-hearted man who bears no ill-will. He's a wise politician who can help a journalist without embarrassing a civil servant who's erred. Finally, he can handle awkward situations with deft discretion and no one will ever know how he did it.

I shall miss you Mr. Mukherjee but, now that you have the time, I hope you'll write your memoirs.

Karan Thapar is a broadcast journalist

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.

Two ideas of India

Peter Ronald deSouza has called attention to the real significance of the vice presidential contest by sensitising readers to "the richer model of politics, where ethics, pragmatics, and symbolism all combined, in their best moments, to give our politics a superior quality". It would be cynical to disregard this thin strand of wisdom that has held together this vision of India these 70 years against all odds.

Seen in this light, the choice of Gopalkrishna Gandhi will send a positive message that is urgently needed ("The Vice President's mien", July 24).

VASANTHA SURYA,
Noida, Uttar Pradesh

A flag, a State

The dangerously ill-conceived idea of a separate State flag for Karnataka, which surfaced after the Congress government formed a committee to explore the possibilities and formalities in the matter,

must be opposed by one and all ("The Kannada flag, et cetera", July 22). While Kashmir continues to burn as separatists run riot, one wonders why the Congress is trying to create more trouble. Sadly, the media has not opposed the development on the scale it deserves. Hopefully better sense will prevail and policymakers and constitutional heads will block any such move. Nothing can be more important than the unity and integrity of the country.

JAI PRAKASH GUPTA,
Ambala Cantonment, Haryana

Falling prey

That schoolchildren are being targeted by drug peddlers is deeply disturbing ("Ground Zero" page - "Hyderabad's LSD blues", July 22). Rising affluence, with both parents working, creates other unintended sideeffects. While they are able to provide their children a good education, health care, and good living standards, they also create a

void among themselves due to their busy schedules. The modern nuclear family concept deepens this void. For a country counting on youngsters for its future, the drug problem needs to be tackled with extreme urgency. The Hyderabad authorities need to be lauded for sending out a strong message.

VARAD SESHADRI,
Sunnyvale, California, U.S.

It is an open secret that the drug menace has spread its tentacles across the country. Today it is Hyderabad, tomorrow it could be some other metropolitan city. But such reports will come into the media spotlight only when there is some incident. The way the availability of drugs has transcended borders and can be sent to every nook and corner of the country speaks volumes about the extensive narcotics network and the corruption that prevails. Unless all State governments and the Central government work in

tandem, children are vulnerable in every State.

KSHIRASAGARA BALAJI RAO,
Hyderabad

At Lord's

Some stories take an unexpected turn at the end and Sunday's Women's World Cup cricket final at Lord's was one such. England won and India lost, but it could have easily been the other way round. It didn't because India panicked. After the India-England final, one can say with confidence that women's cricket has finally arrived. One must not forget that the Indian women, who do not have even a fraction of the facilities their English rivals can take for granted, were brave. In a country that seldom looks beyond the Virat Kohlis, Mithali Raj and her team have made quite a statement. They lost the final, but won much more than that ('Sport' - "India implodes in a thrilling finale at Lord's", July 24).

PADMINI RAGHAVENDRA,
Secunderabad

So near yet so far. The Women in Blue may not have lifted the trophy but definitely won millions of hearts. They have marked a new phase in women's cricket. It was not a one-sided match and they did give tough competition to the England team. Unfortunately India wilted under pressure.

BATTULA PRAGATI,
Bengaluru

We failed to win on account of the most shocking display of cricket. With 7 wickets in hand and only 40 runs to get at less than a run per ball, we were well set for victory. The English women were in no position to prevent singles from well-placed ground strokes. Instead we went for lofted shots. The balls which claimed Harmanpreet Kaur and Veda Krishnamurthy could have been despatched for a couple of runs.

To add to the misery, there were two senseless and suicidal run-outs. We did not avail of the generosity of the England team by way of

a dropped catch. Why Mithali Raj didn't instruct her players not to loft balls is a mystery.

S. VENKATARAMAN,
Pune

Empty stadia

Sports events in small countries such as New Zealand or England see packed stadiums. So it is sad and discouraging to come across empty seats at the ongoing FIBA Asia women's basketball matches in India. Most sporting events in India – other than cricket and football – hardly have spectators as the organisers fall short in advertising the event in advance. Just a short advertisement in various media can help many enthusiasts plan in advance. What good is a sport without the audience? At this rate, one can foresee empty stadia in the upcoming under-17 football world cup this year too.

LELEN SINGIT,
New Delhi

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