



Beyond uniformity

The Law Commission's advice to end discrimination in personal laws is persuasive

The Law Commission's consultation paper on reform of family laws is a progressive document that avoids the advocacy of a uniform civil code merely for the sake of uniformity. Instead, it adopts an approach that would facilitate movement towards establishing a body of civil law that promotes equality within the law governing each community. In other words, it advocates the removal of discriminatory provisions in the law relating to aspects such as marriage, divorce, succession and adoption in all religions – and the adoption of certain universal principles that would address gender bias and other forms of existing discrimination. A simple way of moving towards a common marriage law is to make 18 the marriageable age for all communities and genders. When the age of majority and the age of voting, among other indicators of adulthood, stand at 18, there is no reason for differential treatment on this score. The Commission rightly points out that the present age of 21 for men merely affirms the stereotype that the wife should be younger. Decriminalising adultery and making it a common ground for divorce, simplifying the 'no-fault' divorce procedure and introducing 'irretrievable breakdown' as a ground for dissolving any marriage are other measures it throws open for discussion. The panel suggests abolition of the 30-day notice period for civil marriages to prevent its misuse by those against inter-caste and inter-religious marriages. It also suggests division of property equally after divorce, and removal of illnesses that can be cured or controlled from possible grounds of divorce.

The thrust of the Law Commission's report is founded on the idea that "the mere existence of difference does not imply discrimination, but is indicative of a robust democracy." Changes have been mooted to give equal treatment to children and parents of any gender in guardianship and adoption matters. The juvenile law principle that the child's best interest is the 'paramount consideration' has also been put forward for universal application. While calling for a wider public debate on its views, the Law Commission has framed the issue in the most reasonable way possible when it says it has "dealt with laws that are discriminatory rather than providing a uniform civil code which is neither necessary nor desirable at this stage." In a strict and narrow reading, this goes against the Directive Principles of State Policy that favour a uniform civil code; also, some court judgments have questioned why such a code was not yet in place. However, in a world that increasingly heeds cultural diversity, it is unnecessary that every aspect of personal law should be dealt with in exactly the same manner. A just code is one in which universal principles of equality, non-discrimination and avoidance of taboos and social assumptions are applicable in equal measure within every community's set of laws.

Medal meter

With 69 medals, India's performance at the Asian Games has many lessons going forward. India's best-ever Asian Games medal haul at Jakarta has brought much cheer. The Indian contingent raked in 69 medals, including 15 gold. It may have lagged at eighth place on the medals table, way behind China with its 289 medals – but compared to recent Asiad, India registered significant progress in many events, with heroic performances among both women and men. These will go a long way in inspiring others, and also hopefully making the sports administration more responsive to the needs of athletes. Track and field was a happy hunting ground, with India picking up 19 medals, including seven of its total 15 golds. Javelin thrower Neeraj Chopra, whose gold-winning 88.06m makes him among the world's best, particularly shone. As did Swapna Barman, who kept ahead of the pack to win gold in heptathlon even as she coped with a painful tooth infection and shoes far from ideal for her six-toed feet. Boxer Amit Panghal shocked Uzbekistan's Olympic champion Hasanboy Dusmatov with a split verdict in the men's 49 kg category. Shooting and wrestling seized two gold medals each while table tennis broke its Asian Games drought with two bronze medals. P.V. Sindhu claimed the country's maiden Asiad silver in badminton and Saina Nehwal got a bronze. There were disappointments too, especially in kabaddi, in which for the first time both the men's and women's teams finished without a gold medal. In men's hockey, India, the defending champion and favourite, slumped with a bronze, missing automatic qualification for the Olympics in Tokyo.

While India improved on its previous best of 65 at the 2010 Guangzhou Asian Games, it remains miles behind Asian powerhouses like China and Japan, the top two in Jakarta. The fact that one woman swimmer from Japan, Rikako Ikee, who was adjudged as the Asiad's Most Valuable Player, could win six golds gives a fair idea of where India stands. While the competition in track and field had audiences riveted, it is a sobering reality check that independent India has not won a single medal in athletics at the Olympics; China already has 32, including eight golds, and Japan has 25, with seven of them gold. Hope of this equation changing rests on Chopra, who could excel in global events in the years to come, and perhaps on under-20 world champion Hima Das, whose time of 50.79s got her the 400m silver. India should now build on its Asiad success to do better at the 2020 Tokyo Olympic Games than it did in Rio de Janeiro in 2016, when the contingent returned with just two medals. It also needs to ensure that the sport is clean.

The nature of dissent

Dissent is necessary not only for democracy – it is necessary for the survival of the human race



SUNDAR SARUKKAI

Disagreeing with each other is a fundamental human trait. There is not a single individual who does not disagree with something or the other all the time. Philosophers argue that a baby meaningfully attains its sense of the self – its recognition of 'I' and the concept of 'mine' – when it first begins to say 'no'. At a primordial level, we become individuals only through this act of stating our disagreement. There is no family without dissent between parents and the children, or between the siblings. A family which learns to deal with dissent rather than authoritatively dismissing it is a more harmonious family.

A way of being

We dissent at home, with our friends and with our colleagues in the places we work. It is through these ways of dissenting that we establish a relationship with them. Our relations with our friends are based as much on how we learn to live with our disagreements as on other things. The relationship between spouses is filled with many moments of disagreement. If our friends and family consist only of those who agree with us all the time, then we will not have any friends and family. Learning to live with others, the first requisite for a social existence, is about learning how to live with them when they disagree with us.

Dissent is so ingrained in us that we don't even need others to disagree. We constantly disagree with ourselves. We argue with our own selves all the time as if each one of us is an individual made up of many selves. When we think, we are often dissenting with our own selves. When we stifle dissent within our own minds, we stop thinking. Many of our meaningful acts also occur from this dissenting conversation of our many selves.

Social dissent

Dissent is thus a condition of existence and the real problem is not dissent but silent assent. When we agree collectively, we are silently assenting, agreeing with what is being said and done. This is really not the existential characteristic of a human being but only that of a 'bonded mind'. However, some might say that assent is the way societies come together, and it is needed for a stable society. But this is plain wrong. Just as a baby attains its sense of self through dissent, so too does a society get its own identity by learning to dissent. In other words, we will have a stronger identity of what our society and nation are through forms of dissent.

Moreover, every process of forming the social needs dissent. A group made up of people who agree to everything all the time is not really a society but an oligarchy. It becomes a society only through disagreements and dissent. Dissent, paradoxically, is the glue which makes a decent society possible.

A mature society is one which has the capacity to manage dissent



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since members of a society will always disagree with each other on something or the other. Democratic societies are the best of the available models in managing dissent with the least harmful effect on the dissenter. This is the true work of democracy; elections and voting are the means to achieve this. The essence of democracy is to be found in the method it uses to deal with dissent, which is through discussion and debate, along with particular ethical norms.

A democratic society manages dissent by trying to make individual practices of dissent into social practices. Academics and research are two important activities where dissent is at the core. No society has survived without making changes to what was present earlier. New knowledge and new ways of understanding the world, for good or bad, has always been part of every society.

How is new knowledge, new understanding, created? Many new ideas arise by going against earlier established norms and truths. Science, in its broadest meaning, is not possible without dissent since it is by finding flaws with the views of others that new science is created. No two philosophers agree on one point, and no two so-

cial scientists are in perfect harmony with each other's thoughts. Artists are constantly breaking boundaries set by their friends and peers. Buddha and Mahavira were dissenters first and philosophers next. The Ramayana and Mahabharata are filled with stories of dissent and responsible ways of dealing with it.

Thus, when academics dissent, it is part of their job expectation to do so! Dissent is not just about criticism, it is also about showing new perspectives. The scientific community does not imprison scientists for dissenting although we are increasingly finding today that social scientists and artists are being targeted in the name of dissent. This has grown to such an extent that when faculty members dissent about unlawful hiring practices, they face harassment and suspension.

It is not that dissent is necessary only for democracy – it is necessary for the survival of the human race. Any society which eradicates dissent has only succeeded in eradicating itself. We cannot afford to forget the examples of Nazi Germany or Stalinist Russia. A sustainable, harmonious society can only be formed from practices which deal with dissent respectfully and ethically.

Ethics of dissent

The importance of dissent is not just that it is good for democracy. There is also a fundamental ethical principle involved in dissent. Any society which muzzles dissent is acting unethically. Let me give two ethical principles associated with dissent. First, its relation to non-violence, a principle which is

so integral to the unique Indian practices of dissent from ancient times to Gandhi and Ambedkar. Second, dissent is an ethical means of protecting those who are worse off than others. Dissent is not mere complaint which all of us, however privileged we are, indulge in. Social dissent is a necessary voice for all those who are oppressed and are marginalised for various reasons. This is the only thing they have in a world which has denied them the basic dignity of a social life.

The ethical principle is that the worse off in a society have greater right to dissent and protest even when the more privileged may not agree or sympathise with that dissent. This is the truly ethical principle that can sustain a mature society. Thus, when we hear the voices of dissent from the oppressed and the marginalised, it is ethically incumbent upon those who are better off than them to give them greater space and greater freedom to dissent. Any of us, particularly the more well-off population, who support any government which wants to use its power to stop dissent of those who are suffering from injustice of various kinds are being used as partners in this unethical action. We act immorally when we sit in the comfort of our homes and abuse those who fight for the rights of the poor and oppressed. When we condemn them in the name of the nation, we are performing an unethical act of further condemning those who are already condemned.

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Green shoots of revival

Next year will be crucial in further development of the Bay of Bengal region



RAJIV BHATIA

The road to the fourth summit of the Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC) in Kathmandu, Nepal, last week was marked by scepticism and hope. This was understandable, given the grouping's past performance – modest in the previous 19 years and promising in the past two years. The same blend characterises the summit's outcome. A dispassionate mindset is essential to assess its results accurately.

The positives

On the positive side, the fact that the summit could be held was a success in itself. It had been delayed. More importantly, BIMSTEC leaders listened to officials, experts and business chambers, and concluded that this grouping (composed of five South Asian and two Southeast Asian nations) needed to be given a firm institutional foundation. As a result, several important decisions have been taken. First, work begins now on drafting a charter for BIM-

STEC, which has functioned so far on the basis of the Bangkok Declaration of 1997, and outcomes of the past three summits and the Leaders' Retreat in 2016. Second, a Permanent Working Committee will be set up to provide direction during the period between two summits and also to prepare the Rules of Procedure. Third, the Secretariat has been promised additional financial and human resources and enhancement of its role to coordinate, monitor and facilitate the grouping's activities.

Fourth, as the institution has been handicapped due to lack of financial muscle, the leaders (*picture shows some of them*) took the bold decision to establish the BIMSTEC Development Fund. This is not an easy task, but without strengthening itself financially, BIMSTEC cannot shed the unwanted tag of being a mere talk shop. Fifth, a push to increase its visibility and stature in the international fora will also be made. Finally, recognising that 16 areas of cooperation represent too wide a spectrum, the BIMSTEC governments will make a serious endeavour to review, restructure and rationalise various sectors, identifying a few core areas. In this exercise, Thailand has proposed a new strategy of five pillars (viz. connectivity, trade and investment, people-to-people contacts, security, and science and technology). This will

be considered, although the difficulty in dropping specific sectors dear to individual member-states should not be minimised.

Concerns

As to the debit side of the balance sheet, it should be noted that of at least six legal instruments awaiting finalisation, only one, the Memorandum of Understanding on Grid Interconnection, could be inked in Kathmandu. Fourteen years after signing the framework agreement on Free Trade Area (FTA), the leaders could only renew, rather lamely, their "commitment to an early conclusion" of FTA negotiations. The Thai Prime Minister bravely urged participants to accept making BIMSTEC a Free Trade Zone by 2021 as "our common goal", but this did not find a place in the summit declaration. The Myanmar President pointed out that the grouping had established its Energy Centre in 2009, but it was still struggling for the "early operationalisation" of the Centre.

Every participant dwelt on the advantages and potential of connectivity. Prime Minister Narendra Modi aptly emphasised that "the biggest opportunity is connectivity – trade connectivity, economic connectivity, transport connectivity, digital connectivity, and people-to-people connectivity." The Kathmandu Declaration has spelt



out a number of measures, old and new, to secure this objective. However, it was noted that the Motor Vehicle Agreement and the Coastal Shipping Agreement would still need more time for finalisation.

Hopes were pinned on the leaders agreeing to make the BIMSTEC summit an annual affair. But they stopped short of it, choosing a "timely holding of Summit". Probably the timing of the next summit will be determined by the degree of progress ministers and officials achieve in the coming months. If the grouping succeeds in holding its next summit in 2019, it will be seen as a healthy sign.

Other facets

The annex to the summit's declaration presents an overview of the present state of play in various areas of activity. Plans to revitalise the Business Forum and the Economic Forum should be welcome if they help in fully engaging busi-

ness and industry. Cooperation in the security domain has been progressing satisfactorily, with a new instrument added to the arsenal: a meeting of home ministers. This will be in addition to annual meetings of national security advisers and the first meeting of army chiefs, which is due to take place in Pune this month. Also envisaged is a sound plan to establish forums for parliamentarians, universities, cultural organisations and the media community.

The summit articulated a vision for the Bay of Bengal Region heading towards a peaceful, prosperous and sustainable future. The region is now widely viewed as a common space for security, connectivity and development.

Think tanks are fond of advising governments that they should walk the talk. But this time, that role was appropriated by the Nepalese Prime Minister and the summit chairman, who asserted: "Now is the time not just to deliberate, but also to deliver. Now is the time to translate promises into performance." If this prescription is followed by all, BIMSTEC can become a dynamic, effective and result-oriented organisation. The coming year will be crucial in its further development.

Rajiv Bhatia is Distinguished Fellow, Gateway House and former Ambassador to Myanmar

LETTERS TO THE EDITOR

Peace and Pakistan

The fact is that it would be very difficult for India to pursue long-lasting peace with Pakistan (Editorial page, "Making peace with Naya Pakistan", September 3). The country will remain under the control of the Pakistan Army. There is a slight possibility of a new beginning only if India is able to root out terrorism in Kashmir. For this, the Army alone must be allowed to act.

V.V. NAIR,
Manipal, Karnataka

■ I think India has done quite enough in terms of trying to explore peace with Pakistan. While people-to-people contacts can improve relations, it is also incumbent on leaders in Pakistan to rebuild broken bridges with India. New Delhi has made it clear to Pakistan many a time that ending cross-border terrorism is an essential prerequisite to take bilateral dialogue ahead. It is surprising that the writer has not said a word about terrorism that Rawalpindi and Islamabad doggedly

pursue as an instrument of state policy. Even the U.S. has cancelled aid to Pakistan over the issue of terror.

KANGAYAM R. NARASIMHAN,
Chennai

■ Despite the 'deep state' in Pakistan, the election of Imran Khan and the PTI kindles hope of another chance to restore ties with India. Civil society in India and Pakistan should help transcend elements within and outside both governments in pursuing peace. As an example, one can cite the response to Navjot Singh Sidhu's visit to Pakistan.

GURPARTAP SINGH BHULLAR,
New Delhi

Readers speak

If there is one thing in common among many readers ("Letters to the Editor", September 3) it is that we have been fed on a staple diet of *The Hindu* ever since we started to learn English. I must confess that in my over 60 years of English literacy, I have only read this daily. I might have broken the rule, but only on

rare occasions. Of course, the paper can improve ("Page 1, "Let us know you better", September 1). It must attempt to regain the neutrality that it once held dear.

Some of its articles betray its leanings as writers of a certain doctrine are seen to be encouraged. Perhaps the Reader's Editor could use local examples in anecdotal references (in his columns) to prove his point. Coverage on certain important happenings is often too voluminous and almost seen as an overdose.

SIVAMANI VASUDEVAN,
Chennai

■ I have been an avid reader since childhood. In the past I used to read the Chennai (Madras) edition, which used to reach a day later but things are fine now with the Kolkata edition. Perhaps the only issue are the surcharges which make buying the paper a bit expensive.

RTWIK ROY,
Kolkata

■ I have been a reader for over 50 years. After retiring

from the banking sector and now a coordinator at a free coaching centre, I always advise my students to read the daily for its accurate and balanced reporting.

N.A. MURAHARI,
Vellore, Tamil Nadu

■ One of the letter writers (September 3) has recollected the paper having always published news on the first page. I happen to be eight years older than the letter writer and remember the daily having printed only classified advertisements on the first page. I am not quite sure when it was 'news alone' on the first page.

Probably during the Second World War?

MANI SESHADRI,
Chennai

■ As a reader since 1969, I can vouch for the paper having followed its core values. My grandfather was also an ardent reader. A letter writer (September 3) has pointed to the issue of right-wing ideology being dangerous. He should also realise that Left ideology has become irrelevant. In the

end, what matters is development.

VIJAYA KUMAR,
Bengaluru

■ As an ardent reader for at least five decades, I too join a band of loyal readers. I have learnt a lot from the newspaper in numerous ways especially as far as use of the English language is concerned. My suggestion is that more space should be given the 'Letters to the Editor' column as the daily is one of the few left that still respects readers' views.

R. SAMPATH,
Chennai

■ That *The Hindu* is turning 140 is delightful news – a wonderful milestone for a daily widely known for its quality and authenticity. I began reading the paper when I was posted at an Indian Air Force base in Coimbatore and express gratitude for the role it has played in helping me with the English language. I am now based in Haryana and continue to be a reader.

RAVI BHUSHAN,
Kurukshetra, Haryana

Clean Ganga

There would be no purpose in pumping crores of rupees in the name of cleaning Ganga ("Ground Zero" page, "Nowhere to hide", September 1). It would be like mopping up a floor with a tap open. The National Mission for Clean Ganga has a difficult task ahead. A more viable solution would be offering soft loans to tanneries/factories to set up effluent treatment plants.

A. JAINULABDEEN,
Chennai

'Bandicoot' power

It is heartening that a group of young engineers have recognised that science and technology can play a huge role in ending the pernicious practice of manual scavenging. One wishes that their small but firm steps succeed and more States across India take up the technology (Magazine" - Page 3, "Field Notes, "Manhole and machine", September 2).

ADITH MOHAN,
Kochi

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