



Clemency question

The release of life convicts should be settled on legal principles alone

After failing to get the seven convicts in the Rajiv Gandhi assassination case released by exercising its statutory power to remit life sentences, the AIADMK government in Tamil Nadu has taken recourse to a possible constitutional remedy. It has decided to invoke the Governor's clemency power under Article 161 of the Constitution. The earlier attempt in 2014 to remit the sentences under the provisions of the Code of Criminal Procedure was stayed by the Supreme Court, which ultimately held that the Centre had primacy in according remission to life convicts in a case that involves consultation between the Centre and the State. The Centre formally declined to concur with the State's proposal in April 2018, saying it would "set a very dangerous precedent and lead to international ramifications". There is no doubt that the sovereign clemency power vested in the President and the Governor is quite wide, but the Supreme Court has in the past cautioned against its use for political considerations. Tamil Nadu Governor Banwarilal Purohit will now have to take a call on the advice of the State's Council of Ministers and decide whether he is bound by it. The moot question is whether he will pause to consider the Centre's opinion against releasing those involved in a "diabolical plot" hatched by "a highly organised foreign terrorist organisation" and either reject the proposal or seek its reconsideration. In either case, he will be mindful of the fact that his decision will be subject to judicial review.

The Tamil Nadu government believes there is no legal bar on the convicts getting the benefit of Article 161, even though the mercy petitions of some of them have been rejected by both the Governor and the President. But the issue has thrown up a number of questions that relate to process. For instance, what happens to the four Sri Lankan nationals among the convicts? Will they remain in India or be repatriated? Also, shouldn't there be a case-by-case evaluation for releasing those sentenced for life? An omnibus order of release clearly will not address the particularities in each case, or evaluate the gravity of their role in the crime and the effect on society of releasing them. In principle, the idea that convicts who have suffered prolonged incarceration require compassion cannot be faulted. The idea of locking away a person for life, without so much as a sliver of hope of freedom, is not in keeping with the ideals of a truly modern society. However, it is impossible to ignore the impact of such a decision on capital punishment. When lifelong imprisonment is regarded as a humane alternative to capital punishment, releasing life convicts may only strengthen the demand for the imposition of the death penalty – which would be retrograde. Although there are many political considerations behind the move to release the convicts, this case must be decided on the basis of legal principles alone.

The old and the new

Novak Djokovic asserts greatness at the U.S. Open. Naomi Osaka shows she's here to stay

There was a time when Pete Sampras's tally of 14 Grand Slam singles titles – the last of which came at the U.S. Open in 2002 – seemed like the acme of sporting achievement in men's tennis. Little did anybody expect that in the next 16 years, across 64 Majors, not one or two but three players would stand shoulder to shoulder with the American great. On Sunday, Novak Djokovic became that third man, defeating Argentine Juan Martin del Potro, for his third U.S. Open title at Flushing Meadows. The 31-year-old Serb has never been considered a once-in-a-generation talent, as have Roger Federer and Rafael Nadal, the ones above him in the trophy count. But nobody represents the modern-day game as well as Djokovic. He is the ultimate practitioner of the attrition-based baseline tennis, and at his best, with his supremely efficient patrolling of the court, is near invincible. Over two weeks in New York he hit this high many times over. In fact, the 95-minute second set in the final was a microcosm of Djokovic's last two years. It was long and weary as fortunes swung back and forth. But adversity energised him, and he found a level which his opponent couldn't match. Coming after his triumphant return at Wimbledon in July, the latest success is evidence enough that technically, tactically and physically Djokovic is back to his best.

If it was about the restoration of the old order on the men's side, it was the continuation of the new in the women's section. There has been a first-time winner in four of the past six Grand Slam tournaments, and 20-year-old Naomi Osaka added to the eclectic mix by becoming the first Japanese to win a Major. In Serena Williams, the winner of 23 singles Slams, the most by any player in the Open Era, Osaka faced the ultimate challenge. It was also an inter-generational battle like none other. The 16-year age gap between Williams and Osaka was the second biggest in the Open Era for a women's final, next only to Monica Seles (17) vs. Martina Navratilova (34) at the 1991 U.S. Open. To her immense credit, Osaka wasn't awed by the stage. While growing up, she had revered Williams. After all, this is someone who chose Williams as her subject for a school essay in third grade. On Saturday she played like she knew the 36-year-old's game like the back of her hand, absorbing everything the American threw at her, and redirecting them with much more panache. The magnitude of her achievement was nearly drowned out by the chaos in the aftermath of Williams's tirade against the chair umpire. Yet, the manner in which Osaka, at an impressionable young age, closed out the match with a cold relentless showed she is here to stay.

Much must change in Kerala

After the devastating floods, Kerala society as a whole now needs to reorient its relationship with nature



PULAPRE BALAKRISHNAN

In a national calamity, people look towards a leader to extend them empathy, a sense of somebody being in charge and a route to a more secure future. By any measure, Pinarayi Vijayan, the Chief Minister of Kerala, has lived up to expectation on the first two aspects and may be expected to play a role in identifying the third after the State has had to face its biggest disaster in a century in the form of floods. He has reflected gravitas, displayed pragmatism and expressed a willingness to take assistance from any source. The last is a necessary corrective at a time when false pride, standing in the way of accepting the hand of friendship extended from the outside, is projected as a desirable nationalism. At the very same time, it is necessary to acknowledge the extraordinary outpouring of humanity and material assistance towards the people of Kerala from the rest of India. It is difficult to recall something on this scale as a response to a calamity in a distant corner of the country in recent times.

Natural capital and progress

Now that the Chief Minister has affirmed that the "last person has been rescued", rehabilitation is progressing and plans are afoot to rebuild Kerala, it is hoped that the last will be approached with an open mind. This would be a mindset that recognises that much must change in Kerala's civil society, which in turn would trigger change at the level of governance.

Indeed a paradigm shift, being a profound change in the perception of progress, is needed. The central element in this new perception must be that a continuous decline of a society's natural capital cannot be seen as compatible with progress. Kerala has justifiably been identified as having carved out a niche, and not just in India but globally, as a society with high human development at a relatively low level of income. While it may be pointed out that globally, many other societies, particularly to the east of India, have achieved the same in terms of some standard social indicators, it must be remembered that, as a part of India, it had also to deal with an ossified social structure in the form of caste and the inequalities it perpetuated. Social stratification was far less in east Asian societies making it easier for them to transform. For Kerala to have overcome this burden through a non-violent political revolution is a considerable achievement.

At times though, stories of our success relayed across the world may lead us to be somewhat swayed by praise. This may have happened to the leadership of Kerala society which extends beyond the political class to its intellectuals. While focussing on certain aspects of a society, external observers could miss others that are just as crucial in evaluating its development. Laudatory evaluations of Kerala have masked the decline in natural capital and associated ecosystem services that have accompanied the rise in income. The decline in natural capital has ranged from deforestation that contributes to rainwater run-off contributing to landslides, to sand mining that leads to rivers overflowing their banks, and building on the flood plains that were



SHAJU JOHN

meant to provide a cushion. All of these contribute to flooding.

Too much consumption

When we have it upon the word of Madhav Gadgil – who may be considered India's ecological voice and has studied the Kerala topography and its alteration – that human action may have exacerbated the consequences of the unusually heavy rain this year, we would be advised to hear the message. We know exactly the corrective actions necessary to reverse, possibly only at a glacial pace at that, the accumulated man-made factors responsible for this. At the centre of it is consumption. In relation to the ecological damage that it can wreak, Kerala consumes too much. At the centre of this consumption is luxury housing and commercial holiday resorts, of course luxurious. Structures much larger than necessary cover the soil with concrete, heightening rainwater run-off, and through their weight increase subsidence. Houses here have historically been built with sand mined from rivers. Once this source got exhausted, river sand has been replaced by manufactured sand which is a by-product of quarrying. Large-scale quarrying has meant loping off the top of hills and allowing water to seep into them, making them un-

stable. So at the back of much of the human factor that has exacerbated the flooding by changing the landscape is luxury housing. It is significant too that some of this housing is not even used or has very few persons living in them. This is hardly a rational use of a scarce resource such as land, especially when it has known catastrophic consequences.

Unsustainable trajectory

Altogether, Kerala's much-claimed development trajectory is unsustainable as demonstrated during the recent floods, and needs a change. The needed change is radical and the reality is that its past cannot be a guide to its future. This past has been one of human development, but Kerala society as a whole now needs to reorient its relationship with nature. However inclusive this development may have been – and there is reason to believe that some of the claims made are exaggerated – that by itself does not ensure that the assault on nature will now end. Only the State's civil society can guarantee its future on this score. Political parties are loathe to speak the language of responsible consumption for fear of losing out on votes.

While, going forward, a path-breaking environmental movement in Kerala's civil society is necessary, it does not mean that governance in Kerala should be left unaccountable out of concern for peaceability. Even in a past that has witnessed progress in the form of an elimination of social barriers, government in Kerala has remained unaccountable with respect to the economy. Malayalis have had to migrate in large numbers, leaving their families behind, to keep the home fires burning. Now with the new challenge of ec-

ological sustainability arising, government – by which is meant the entire public sector – needs to assume accountability for the depletion of natural capital. Someone has to take responsibility for the pattern of land use in Kerala, the pathologies of which extend to building resorts on hillsides, turning every public space into a refuse dump for used plastic, and the continuous alienation of agricultural land, all of which may have had a role in exacerbating the floods. It is by now clear that the decentralisation of government has been unable to prevent these developments. Land use in the State needs review at the level of the State government.

Calling for a public review

Mr. Vijayan has been statesman-like in saying that he will take material assistance from every quarter. He must now extend this approach to listening to independent voices on the rebuilding of Kerala. The obvious place to start would be to institute a public review of the dams in Kerala and how they are operated, focussing in particular on how their operation may have affected the flooding. Such a demand has been made by a section of Kerala's legislators. Even a conservative body such as the World Bank had instituted an independent review of the Sardar Sarovar Project in the 1990s, and tailored its policy accordingly. Considerations of both transparency and confidence of the people in the functioning of the government machinery demand that such a review be instituted at the earliest.

Pulpapre Balakrishnan is Professor of Economics of Ashoka University, Sonapat, Haryana and Senior Fellow of IIM Kozhikode, Kerala

Cause for caution

India's GDP growth continues to be powered by consumption, not investments



PUJA MEHRA

A question being raised about the GDP estimates for the first quarter of this year (April-June) is: How should 8.2% GDP growth be interpreted in, or reconciled with, the overall context of some of the pronounced trends in the economy? These include the depreciating rupee, rising bank bad loans, or non-performing assets (NPAs), a trade deficit that has shot up to a five-year high, and retail fuel prices that are inching up every day.

One of the explanations being offered for the missing feel-good sentiment is that the faster growth has come on a low base which has produced a statistical effect, making growth appear faster. This is partly correct. The low base does explain a part of the growth estimated, but not all of it.

The full picture emerges from sectoral estimates, which show that while some parts of the economy grew faster, a few others did not. Agricultural GDP growth quickened as two successive years of good rains improved farm produce. Manufacturing and construction, both industries that

were dealt a severe shock by demonetisation, recovered, as the cash shortage moderated. Policy support – such as simplification of the messy Goods and Services Tax collection systems – can strengthen this revival. If nurtured, it can be employment-positive.

Another barometer

Services growth slowed. Industries such as trade, hotels and transport, and the financial, real estate and professional services fall in this segment, as do public administration and defence services. Services growth is relatively more representative of the economic sentiment of the vocal among urban and semi-urban Indians. The performance of services probably explains the sense of disconnect with the growth estimate being expressed in some quarters.

Despite slowing as compared to a year ago, the services sector grew faster than the agricultural GDP. It is too early to conclude if rural distress – to address which the Narendra Modi government announced budgetary support – has ended or reduced significantly. Rural wage growth has remained stagnant for the past four years.

Surprisingly, the slower services sector growth has not been a drag on consumption. Private consumption expenditure growth has quickened, relative to the preced-

ing quarter, as well as compared to the same quarter last year. The strong, sustained growth, despite the high base, suggests that a consumption boom is in the making. Government salary and pension hikes including at the State level are feeding this consumption spree that is funded by taxpayer money and has remained unaffected by the sharp surge in retail fuel prices. Consumer industries are also reporting robust rural sales growth. Pockets of the rural economy – land-owning large farmers, for instance – appear flush with disposable income.

Aided by consumption

The cause for caution is that the GDP growth continues to be powered by consumption, not investments. Consumption-led growth is sustainable up to a point, especially if it is financed by expanding the government (Centre plus States' cumulative fiscal) deficit. The high growth in the years preceding the global financial crisis was driven by savings and investments. After the global economic downturn disrupted that trend, an investments famine followed.

A big expectation was that with Mr. Modi in the driver's seat, investments would revive, but, as the quarterly estimates remind us, the economy is still not out of the investments slowdown. The share of investments in GDP dropped from 32.2% in January-March to



GETTY IMAGES/STOCKPHOTO

31.6% in April-June this year (although it is slightly better than the 31% in April-June 2017) – a direct consequence of the worsening NPA crisis.

A recapitalisation of banks was undertaken. It has not measured up to the problem. The insolvency mechanism has just about started functioning after dithering and delays. The government, in spite of its majority in Parliament, has made little progress in reforming public sector banks. Even the Nirav Modi scam could not shake it out of inaction.

With the government upbeat over the 8.2% growth, the risk is that in all the excitement, the message from the quarterly estimates (on the sustainable drivers of growth) might be lost.

Growing pressures

The estimates for the subsequent quarters of this year will not enjoy the benefit of the low-base effect. First quarter estimates are early

indicators and not necessarily representative of the remaining nine months of a year.

To sustain the 8%-plus growth rate beyond the first quarter, through the rest of the year, will require a far more pro-active policy push than appears probable in an election year that is also fraught with global economic challenges and mounting macroeconomic pressures. Ranging from rising international crude prices to the risk of inter-country trade wars, these are likely to keep the current account deficit – and therefore the rupee – under stress. A depreciating rupee will inflate retail fuel prices, unless the Central and State governments cut the taxes on them. But tax cuts will increase the fiscal deficit. The Reserve Bank of India can hike interest rates to arrest the rupee's depreciation. But that will further increase the cost of borrowing, including the government's debt.

Reforms, by removing bottlenecks, could have promoted growth even in an environment of rising macroeconomic vulnerability. But Mr. Modi's Independence Day speech has not spelt out any reform measures to be expected in the run-up to the general election. As of now, there are no signs that the full-year growth will beat the forecasts, most of which are about 7.4%.

Puja Mehra is a Delhi-based 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.

Why not Dalit?

The 'directive' from the government to the media not to use the term 'Dalit' is strange. The bigger question is, will all the problems Dalits face be resolved by this move? More than meaningless cosmetic changes, what is needed is a change in the mindset of society. The government should understand that the term 'Dalit' is the term that has unified those who are downtrodden. It is also what has given them the courage to fight the odds and stake their rightful claim to equality, justice and much more (OpEd page, "Why not Dalit?", September 10).

PUSHKAR KUMAR JHA,
Varanasi

Punjab and drugs

The report about women drug addicts of Punjab ('Ground Zero' page, "Punjab's new addicts",

September 8) was striking as addiction appears to have affected even poor women. It is a horrendous and dreadful situation to be in and one is unable to even fathom the depths of something that is so terrifying as this. A way out would be to create awareness about the dangers of drugs from the primary school stage.

KOTIGHOUHAN PALTHIYA,
New Delhi

■ The report demolished our perception of the State – as one with people full of vigour, who are vibrant and full of zeal to climb the ladder of life. Apart from opening more rehabilitation centres, adult education centres should be thought of to highlight the dangers of addiction. Persuasion and perseverance succeed more than legislation.

SESHAGIRI ROW KARRY,
Hyderabad

Readers speak

I have been reading *The Hindu* for two months and it has helped improve my standard of English proficiency quickly. There is enough reading matter with which one can start one's day. As a student of English literature I appreciate the efforts of the news desk in giving life to this medium of mass communication (Page 1, "Let us know you better", September 1).

VICKEY DAVID,
Adconagar, Hooghly, West Bengal

■ As an avid reader for the past four decades, I can readily vouch for the paper's authenticity, objectivity, sensitivity and journalistic excellence. G.K. Reddy's dispatches from Delhi inspired old-generation readers like me.

P.K. VARADARAJAN,
Chennai

■ One finds it difficult to dispose of copies of the daily

in the waste mart. I have preserved many issues over the past 71 years – around 10,000 clippings, neatly pasted in books. However, I lost about 50 kg of invaluable clippings in the floods in Chennai in 2015. *The Hindu* should conduct a survey of readers who "read" the daily and the time they allot to it. There has been a slide in quality and one can find a number of errors. Another issue: The daily appears to be "a safe courier" for pamphlets and advertisements that fall into your lap the moment you open the pages to read.

S. SATYANIDHI RAO,
Chennai

■ I began reading the paper while in service with the MES and when posted at Port Blair in the Andaman and Nicobar Islands (1970-73). The only flights were from Kolkata and I received the paper by post. It was an honour to be the only one in

the JCO mess (out of 100 occupants) to be getting the paper. The size of the font needs to be increased to help the older generation of readers.

V.H. SUBRAMONEY,
Bengaluru

Meltdown at U.S. Open

Tennis superstar Serena Williams ought to have shown restraint in her utterances to umpire Carlos Ramos ('Sport' page, "Osaka reigns supreme in an incident-filled final" and "Serena vows to 'fight for women'," both September 10). It was unbecoming of a tennis star to indulge in racquet and verbal abuse. Swearing that she would fight for women as a result of this is preposterous. Successive successes should not make anyone forget their manners. Her disgraceful behaviour is a blot. The composure shown by Ramos was admirable. The incident will also be a lesson to the

immensely dignified U.S. Open winner, Naomi Osaka. S. ARJUN PRASANNA,
Bengaluru

■ Williams may be a champion player but has proved that she is no role model for sure. Her arrogant outbursts showed that pride has possessed her. The name-calling was disgraceful, robbing Osaka of her moment of success. The spectators also played their ugly part too in making Williams think that she is above all.

ANIL STEPHEN JONES,
Noida, Uttar Pradesh

■ It was a match that was bizarre, where, finally, the winner turned to the loser to tell her that it was an honour to play with her. Osaka proved that she was the champion in every sense.

REENA ZACHARIAH,
Kochi

MORE LETTERS ONLINE:
www.hindu.com/opinion/letters/