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## High time Siachen issue is settled

The death of Lance Naik Hanmanthappa Koppad from Hubballi, who waged a grim battle with it for many days, has plunged the nation into grief. The entire country had prayed for his recovery after he was found alive under the avalanche that had trapped him and nine of his colleagues in Siachen. The physical and mental strength, and the courage and resilience that kept him alive for so many days were remarkable. His survival for six days under the snow stretched human endurance to the limits and could only be called miraculous. Unfortunately, the best medical care could not save his life, but he has become a national icon. The death of the other soldiers too is no less a loss for the country, as all of them perished in defence of its borders. The depth of the loss is the same for all families, and there is no substitute for a life gone in its prime.

The deaths have again brought into focus the wisdom of stationing soldiers on what is called the world's highest battlefield in the most inhospitable conditions. Pakistan has also posted soldiers on the icy heights, but India has exercised strategic control over the area since 1984. The human and economic cost of military presence in the area has been high for both countries. India has lost over 900 personnel in the past 30 years.

The exact number of casualties on the Pakistani side is not known but it could not be less. It is not only the risk of death but the reality of extreme hardship that should also be considered. The account of the difficult and hazardous operation undertaken to rescue Hanmanthappa and recover the bodies of others does credit to the Army. But the efforts and the loss of lives could also have been avoided. The economic cost is very high. It is estimated that India spends about Rs 5 crore every day on maintaining its troops in Siachen.

Proposals to demilitarise Siachen, in view of the cost of maintaining presence there, have received much attention. Both countries have discussed ways of disengagement and have reportedly even come close to an agreement in official and Track II negotiations. The proposals have included marking of the present positions and withdrawal of troops to less difficult positions by mutual consent. Monitoring of positions and movements is not difficult, as it can be done with satellites. Pakistan has said, after the latest Indian casualties, that it is ready to discuss an agreement. An agreement on Siachen is therefore not difficult, and will also give a boost to bilateral relations.



"Proposals to demilitarise Siachen have been voiced."

## Maneka, think first then speak

Union minister Maneka Gandhi has played down her suggestion for compulsory sex detection tests on foetuses at the beginning of pregnancies for all women. She said it was only her personal opinion. But ministers should not express personal opinions on sensitive issues which have serious import and implications. The minister was not airing a view that just came to her mind. She had said that advances in technology had made sex tests very cheap, and that changing government policy may be better than 'making criminals of people'. She was trying to approach the problem of female foeticide and infanticide from the opposite end of the present policy - making the sex tests mandatory, instead of banning them as the existing law does. She had obviously thought through the policy, but not enough and well and wisely.

The difficulty with the minister's idea is both practical and conceptual. The proposal involves determining the sex of the foetus early in the pregnancy, putting it on record and telling the mother about it, conducting all deliveries only in hospitals and tracking the mother through the child-bearing period and for one year after delivery. This is not a practical proposal in a country where the percentage of institutional delivery is not very high. If the government cannot provide the infrastructure and facilities for child birth for every woman, mandatory deliveries in hospitals cannot take place.

The new strategy will collapse with that. Knowledge of the sex of the child will actually put pressure on the woman and make her more vulnerable if she is carrying a girl child. It might also shift responsibility from the errant doctor to the woman, who may not be in a position to take a decision herself. She may also be held answerable in case of a miscarriage. If it is difficult to monitor the working of diagnostic centres, would it be possible to monitor millions of individual cases of pregnancies?

Practical problems apart, there is an issue of privacy and individual autonomy involved in the idea. Not every woman would want to know the sex of the child during the pregnancy. What right does the government have to secure the information, especially when she has not violated any law? There is an authoritarian element in it and in a way the proposal is similar to the idea of compulsory family planning. The falling child sex ratio is a matter of serious concern. Effective implementation of the existing policy and a change of attitude among the people are needed for it, but not a drastic change of policy.



"There is the issue of privacy and individual autonomy."

# Comment

## NET NEUTRALITY

### Trai's historic decision

As most public services go digital, it makes sense to ensure access to them free of data charges, as a citizen's right.

By Parminder Jeet Singh

In its ruling on "Prohibition of Discriminatory Tariffs for Data Services", the Telecom Regulatory Authority of India (Trai) has held that data services over the Internet are a commodity business whereby data cannot be discriminated on the basis of the content it carries. It also asserted its regulatory control over data services, which would be provided as a regulated public utility.

This is a historic decision setting a high bar for maintaining complete Net Neutrality, and thus sanctifying the Internet in the Indian law, as a model of equal and non-discriminatory communication, information-exchange and networking.

The Internet was always supposed to be so, but as it became the anchor of society-wide digital transformations, and thus a carrier of untold value and riches, it has been sought to be captured by big business in an exclusive market paradigm. This decision safeguards the Internet as being first an egalitarian social artifact, providing a social and economic level playing field for all, before it is a market good.

The original net neutrality concern was with the quality of service-based discrimination, making for a tiered Internet. Strong advocacy the world-over resulted in telcos losing this battle. By early 2015, it appeared evident that quality-based differentiation was simply not going to pass public and regulatory muster. Quickly shifting their strategy, even the telcos begun to profess net neutrality, but seeking such exceptions that could still enable revenues from the content providers' side, which was their main objective. They argued that price-based discrimination, including zero rating, did not violate net neutrality because all content got the same quality of service.

Taking a middle ground, regulators in the US and EU, and most other countries, while ex ante outlawing quality-based discrimination, left price-based discrimination to be subjected to ex post consideration, on a case to case basis.

Promoters of price-based discrimination claimed that such practices are especially important for developing countries, helping their huge unconnected population come online faster. Facebook's grand campaign promoting its

zero-rated "Free Basics" service become the most visible manifestation of this particular spin.

The most striking feature of Trai's ruling is that it has upended this logic. Noting that jurisdictions like the US and EU had left differential pricing for ex post consideration, the Trai held the case of a developing country like India, with a huge unconnected population, to be more (rather than less) appropriate for banning differential pricing because such conditions especially allow the telcos to, problematically, "shape the users' Internet experience".

Maintaining that "what cannot be done directly, cannot also be done indirectly", the ruling bans even models offering deferred free data allowance for accessing specific services which can later be used for accessing full Internet.



The ruling is thus perhaps the most clear and absolute anywhere in the world in fully protecting what it calls as "the unique architecture of the Internet", and allowing no loopholes. So strong is the economic attraction of gate-keeping data services that the slightest loophole would certainly be blasted into a gaping hole by big telcos and Net businesses, disfiguring Internet's egalitarian architecture.

Rejecting the argument that Trai should act only ex post, on a case to case basis, it went with the contrary view that "differential tariff for data services goes against the basic features of the Internet and it needs to be restricted upfront on account of the far reaching consequences that it is bound to have on the structure of the Internet and the rights of stakeholders. Once such practices are allowed, it may not be possible to quantify, measure or remedy the consequences in the short to medium term."

With Trai clarifying that data services would remain an undifferentiated com-

modity, telcos should now focus on extending the infrastructure and improving overall quality of service rather than eying revenue potential from the content providers' side. It gives both the data and content businesses a much needed certainty. This is especially important for the telcos in view of the forthcoming spectrum auction.

### Revenue potential

The regulator has said that it will now examine quality of service based discrimination, the original net neutrality issue. However, having disallowed price-based discrimination, it is unthinkable how a regulator can allow quality-based discrimination, which is a more core net neutrality violation. A similar short regulatory order on quality-based discrimination, based on Trai's existing powers, should firmly close the matter.

Some misgivings have been expressed about the exemption of closed networks from the price discrimination ban. Can a telco develop its own channels of content and applications, outside the public Internet, available only to its own customers?

The regulator insists that it will ensure that this exception is not misused for specifically undermining the spirit of the ruling. This is the 'specialised services' issue which other countries are also considering, and would require further discussions. Special networks like for telehealth services and motor-vehicle automation are cited as possibly requiring a different treatment.

Emergency situations are also exempted by the ruling: personal ones, like health and personal safety related, and collective, like floods and earthquakes. This leaves open a window for other possible public interest exceptions, like essential public services, as designated by the regulator. As most public services go digital, it makes sense to ensure access to them free of data charges, as a citizen's right.

The ruling is silent on the question raised in the regulator's consultation about alternative ways to provide connectivity for the currently excluded, which received a lot of public inputs. This is understandable because this is a regulatory decision, on something within the regulator's own power.

Alternative ways for expanding connectivity has to be in the form of Trai's recommendations to the government, and taken up separately. However, this is an important and urgent issue raised by the "Free Basics" controversy, which should be addressed comprehensively and quickly.

(The writer is with Bengaluru-based NGO, IT for Change)

## RIGHT IN THE MIDDLE

### Jasmine of the courtyard

Usha felt thrilled whenever he stole a moment with her. She figured it was love.

By Rachna Singh

We were excited to have a new bride in the neighbourhood. We would sit around Usha, touch her jewellery, run our fingers through her brocade sarees; like any eager eight-year-olds would. Soon, she outgrew the 'new-bride' status and took up household chores. She learnt to cook Govind's favourite paneer curry, to iron his black coat just the way he liked the crease to fall and to get the right balance of ginger-cardamom in his cup of tea.

Her day began at 5 am - washing the courtyard, worshipping the Tulsi plant, and cooking breakfast. At around 9 am, he would start getting ready for court where he practiced. She scurried around around like a nervous rabbit, taking the wet towel from him after bath, serving him breakfast, handing him the scooter-keys and the tiffin carrier, after wiping it thorough-

ly from outside, checking for any spills.

He would be back by 5 pm. Sometimes he would get her freshly-fried samosas from the cart outside the court premises, or jaggery laddoos. He even got her strings of jasmine flowers occasionally and handed them when Ammaji was not watching. She would feel a shiver of thrill run down her spine whenever he stole a moment with her to hand her a secret gift. Usha figured it was love.

Two years had passed. There was still no sign of a child. His mother was impatient, and angry. She often cursed Usha's parents, accusing them of palming off their infertile daughter to them. Relatives would come from the village and share various child-bearing prescriptions. Usha's life now revolved around pills, potions, visits to miracle babas and soothsayers. Govind had become aloof. Maybe his practice had picked up. Or, he really had no idea how to deal with all of this. He never spoke on the topic.

Or any related topic, like when Ammaji got him re-married. Usha's brothers were livid. They were influential zamindars who knew how to take the law in their own hands. Actually, that would not

be needed: they knew the law - a Hindu man could not have two wives. They came over and met Usha privately. "We are taking this to court. Your husband and his mother will be in jail," they said.

Usha was equally livid. She said she loved him and also wanted him to have children. She sent them away. In the next three years, Shobha dutifully delivered three children - two boys and a girl - and Usha worked twice as hard to take care of them. She now had a new room all to herself at the end of the courtyard. She would sit there in her spare time, repairing the children's clothes or helping them do their homework.

But, her brothers were back. Usha had been diagnosed with cancer. The doctors had given up hope. They wanted her to have the comforts of her own home, not slave it out here in her last days. "This is my home. A Hindu woman's last journey is always made from her marital home," she said and sent them away once again.

And quietly, without any complaints, she died. It was February 14 when her marigold-bedecked cortege left of the courtyard. But Usha had never heard of Valentine's day.

## LETTERS TO THE EDITOR

### Headley's claims: Probe veracity, public in dilemma

Sir, Apropos "Ishrat Jahan was Lashkar suicide bomber: Headley" (DH, Feb 12). David Headley's deposition has set off a fresh round of mudslinging among political parties. The BJP is attacking the Congress on false allegations of fake encounter in 2004. But what is intriguing is the CBI, which investigated the case, had clearly told the court that it was fake encounter. The public is in a dilemma over whom to trust.

David Headley can't be believed, as he is capable of changing his statements often. Also, why are the US authorities not handing over the accused for a fair trial to India? Before we suspect Ishrat as an LeT operative, let us investigate the issue thoroughly and come to a conclusion. For now, it's a matter of prestige of the country's premier investigating agency too.

SUTHAN K P, Bengaluru

### Immortal courage

Sir, The passing away of Siachen braveheart Lance Naik Hanmanthappa is heart-rending. The way his battle for life awakened the entire nation is a clear pointer to the fact that safeguarding the country is a herculean task that deserves attention and respect. The sacrifice of our soldiers while immortalising them will also serve as an inspiration.

SENTHIL SARAVANA DURAI, Mumbai

### Blind and foolhardy

Sir, Apropos "Pachauri goes on leave to skip varsity convocation" (DH, Feb 12). Infamous scientist RK Pachauri's return, armed with a promotion, to Teri has intensified the ire in people. It has even incited the Delhi Police to file a

fresh chargesheet against him. This development clearly indicates the gravity of Pachauri's heinous crime. TERI's move of reinstating an ill-famed persona at a higher designation is foolish.

M C S PAVAN KUMAR, Via e-mail

### Noodle babas

Sir, The article "Why are godmen selling noodles?" (DH, Feb 12) is not only brilliant and funny, but also exposes the gullibility of people and the extra-spiritual business acumen of our godmen. As the writer rightly concludes, Spiritual capitalism is alive, well and kicking!

K M SRINIVASA GOWDA, Bengaluru

### Tribute to genius

Sir, The discovery of gravitational waves

once again proves Albert Einstein's unquestionable brilliance and accuracy of his theories, although he himself did not believe that these waves could ever be detected. The discovery comes at a time when the scientific community is celebrating 100 years of Einstein's theory of relativity. This will no doubt provide new windows of opportunities for further research on the origin of our universe. Einstein, once again stands out as a superman of science!

SHARAD B NALAWADE, Bengaluru

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## SPEAK OUT



"If you sacrifice your ideology for power and money - what is left with you? I'm neither Leftist nor Rightist. I am progressive."

Mamata Banerjee  
West Bengal Chief Minister

Only people blinded by ideology fall into trap of believing in their infallibility. Freeman Dyson

## IN PERSPECTIVE

### BJP's dilemma: CMs' selection

The party must decide to project state level leadership's face in all states going for polls in the next three years.

By A K Verma

The BJP has been on the horns of a dilemma after two consecutive stunning defeats in Delhi and Bihar assembly elections. Both the defeats put question marks over the effectiveness of Prime Minister Narendra Modi who campaigned vigorously in both the states, and about ability of BJP president Amit Shah to manage state elections in BJP's favour.

Many thought that the results reflected Modi's declining popularity and his party's distancing with the masses. In spite of that, the party chose to elect Amit Shah as full time BJP president for three years.

Amit Shah has heavy brief during his tenure. He has to face assembly elections in 20 states culminating in Lok Sabha elections in 2019. Five states of Assam, Kerala, Pondicherry, Tamil Nadu and West Bengal go to polls this year; seven states - Goa, Gujarat, Himachal Pradesh, Manipur, Punjab, Uttar Pradesh and Uttarakhand next year, and eight states of Chhattisgarh, Karnataka, Madhya Pradesh, Meghalaya, Mizoram, Nagaland, Rajasthan and Tripura face elections in 2018.

Out of 20 states, the BJP governments exist only in five states of Goa, Gujarat, Chhattisgarh, MP and Rajasthan, and in three states, Punjab, Nagaland and Pondicherry, the BJP-led National Democratic Alliance (NDA) is in power. Shah has onerous responsibility of not only ensuring the BJP and NDA comeback in those states, but also of bringing some more states in BJP's kitty.

So far, the BJP had over-used Modi in state elections with disastrous consequences. The party took a position that it has battery of state level leaders in each state and will have no difficulty in electing the leader of the legislature party whenever the party gets majority in a state. This argument has become unacceptable to the electorate as clearly demonstrated in Delhi and Bihar.

Since the 2014 Lok Sabha elections, electoral campaigns have become presidential in character, where the voters expect a clear leader who could be held accountable for governance and welfare promises. Hence, the BJP made tactical changes in Assam where former Congress minister Himanta Biswa Sarma was inducted in the BJP in August last.

In West Bengal, though BJP may not expect a win, by removing Dilip Ghosh as new party president, Shah has sought to give electorate a new and more acceptable face. Politics in Kerala

is so evenly balanced between the UDF and the LDF, and in Tamil Nadu between the DMK and the AIADMK that the BJP has little scope for a space in state politics. It would be good for BJP if Shah makes some kind of alliance with LDF in Kerala, and with Jayalalitha's AIADMK in Tamil Nadu.

But, the most important state is UP where the BJP and Shah have high stakes. So far, the party has not been able to decide about its leadership face in UP. While the caste arithmetic warrants someone from the OBC category, there is no such face that may have a pan-UP presence and popularity.

One OBC face - former CM Kalyan Singh - is presently Governor of Rajasthan and is spent force now. Ram Shankar Katheria, Agra MP and Minister of State in HRD Ministry, is another name doing the rounds but he is limited to Agra and has no all-UP presence.

### Matching the titans

The leadership face is so very important in UP because the BJP will face two very popular figures in UP - Chief Minister Akhilesh Yadav, and BSP supremo Mayawati. Hence, the BJP may have to discover a face that will not only be a befitting match for Akhilesh and Mayawati, but also supersede them in oratory and public support.

One such person is Smriti Irani. She is visiting Amethi (Rahul's constituency) regularly despite being defeated, has all-UP and all-India domestic presence because of her TV serial background, and is an effective speaker who could sell ideas to masses and sway voters to her side.

The BJP may be in a dilemma thinking that Irani may lose on caste factor, and, that such an advance declaration may aggravate factionalism in the party that may also push some ambitious and strong leaders to leave the party. This possibility cannot be ruled out, but the party will have to take a call on this. Losing elections without a leader is one option, but risking some factionalism to win public support is another. Surely, for the BJP it will be a hard choice.

Amit Shah will have to understand that while Modi continues to be rated high in public esteem so far as national governance is concerned, he cannot win state elections for the BJP because the electorate has learnt to differentiate between the national and state elections.

Amit Shah has to finally decide to project state level leadership face in all the states going to polls in the next three years. If he thinks that he heads a party that is disciplined, then he should have no hesitation in doing so. But, if he would be in a state of dilemma, then Delhi and Bihar might get replicated in state after state bringing to himself and his party regular embarrassment.

(The writer is Director, Centre for Study of Society and Politics, Kanpur)

## OUR PAGES OF HISTORY

50 Years ago: February 13, 1966

### Kamaraj's Tamil speech

Nehru Nagar, Feb. 12. Congress President Kamaraj read the opening paragraphs from his presidential address to the 70th Congress session here today in Tamil and sat down, saying that the Hindi translation would be read.

There were a few moments

of suspense as Suba Rao, a Seva Dal worker, who was to translate the address, advanced towards the microphone.

Some delegates from UP stood up and insisted on Kamaraj: "Please read your address in Tamil". Thereupon, Kamaraj picked up the Tamil version of his speech and read it through. It took him 40 minutes.

25 Years ago: February 13, 1991

### Valluri firm on quitting as scientists seek solution

Bangalore, Feb. 12. Former Director of the National Aeronautics Laboratory S R Valluri today said he was sticking to his decision to resign from the fellowship of the Indian Academy of Sciences.

Many scientists, including former Defence Minister Raja Ramanna, have moved Academy President C N R Rao to find a solution to the controversy in the Raman Research Institute.

Prof Rao, in a letter to Valluri, had advised him to withdraw his resignation in the interests of scientific community.