

Course correction - **Avoidable boat tragedy: on Godavari boat capsized**

As past lessons remain unlearned, man-made tragedies recur with alarming regularity

There is a familiar ring to boat tragedies in Andhra Pradesh. Unsuspecting tourists, mostly from cities, craving to capture a bewitching river view and meeting with a watery grave. The government of the day announces a hefty ex-gratia, promises deterrent action against all those responsible and initiates steps to prevent such tragedies. But the wheel is not broken, and very soon another tragedy strikes. The latest boat tragedy on the Godavari in which eight tourists drowned and 37 are still missing, is no different. The private operator took on board over 70 tourists who were hoping to see the scenic beauty of Papikondalu, without any permission and ventured into the river that has been in spate for days now. Apparently the inexperienced crew could not cope with a sudden current of water at Kachuluru, one of the most dangerous spots enroute. The boat tilted and capsized within minutes and only those wearing life jackets could save themselves. Among the reports that came from the accident spot, there was one that suggested that some tourists removed their jackets as it was sultry, some wanted to have lunch and some more thought it would come in the way of taking selfies. Only a thorough investigation will bring out all the facts.

Police records show over 100 people perishing in boat mishaps during the last three years, the major one being on the Krishna in November 2017 when 22 tourists lost their lives. And all of these tragedies were avoidable if simple precautions were in place — having only experienced crew with valid licences, provision of life jackets for all and not setting out when the river is in full flow. Were any lessons learnt from these recurring mishaps? The accident on the Krishna jolted the N. Chandrababu Naidu government into action and a committee was formed to formulate preventive steps. The committee highlighted the multiplicity of the departments concerned — ranging from irrigation to director of ports — with permitting rides and monitoring and checking illegal ones. It pointed to lack of coordination. For instance, when the river touches the danger mark, the irrigation department should send out a warning to all concerned not to allow any rides. Without a single regulatory body, the result was this typical bureaucratic phenomenon of passing the buck. The committee suggested making the directorate of ports as a nodal agency and the AP Inland Vessel Rules were brought into effect. Nobody knows what happened to these rules and other decisions. To prevent such man-made tragedies, the government must pin responsibility on officials instead of resorting to mere palliative steps.

Meanings of Difficult Words :

- **capsize** (verb) – (of a boat) overturn, turn upside down, upset, flip over (in the water).
- **unlearn** (verb) – discard something from one's memory.
- **recur** with (verb) – occur again, be repeated, happen again.
- **alarming** (adjective) – worrying, disturbing, shocking/distressing.
- **ring** (noun) – a particular quality conveyed by something expressed.
- **unsuspecting** (adjective) – unmindful, unconscious, off guard, ignorant/unknowing.
- **craving** (noun) – strong desire, appetite, longing.
- **bewitching** (adjective) – enchanting, attractive, delightful.
- **watery grave** (phrase) – death by drowning.
- **hefty** (adjective) – large, huge, substantial.

- **ex gratia** (adjective) – Latin, literally ‘from favour’. An ex gratia payment is one that is given as a favour or gift instead of legal obligation/liability.
- **deterrent** (adjective) – relating to something which is aimed/intended to deter (stop/prevent) something else.
- **venture** (verb) – go/move, proceed, progress a risky journey.
- **spate** (noun) – series, flurry; a large number of something (taking place at the same period).
- **apparently** (adjective) – seemingly, evidently, it appears that.
- **en route** (adverb) – on the way, in transit, on the journey, during transport.
- **sultry** (adjective) – stifling, suffocating, sticky, airless.
- **come in the way of** (phrase) – prevent, oppose, defy.
- **perish** (verb) – die, expire, be killed suddenly (particularly in an accident).
- **mishap** (noun) – accident, problem, issue.
- **provision** (noun) – supplying.
- **set out** (phrasal verb) – start, set off (a journey).
- **recurring** (adjective) – repetitive, recurrent, regular.
- **jolt** (verb) – surprise, shock, stun, shake.
- **highlight** (verb) – call attention to, focus attention on, underline.
- **irrigation** (noun) – the process of (artificially) supplying water to farm land to grow crops & plants.
- **point** (verb) – indicate, suggest, signal/signify.
- **bureaucratic** (adjective) – institutional, procedural, official/governmental.
- **phenomenon** (noun) – occurrence, event, happening.
- **pass the buck** (phrase) – fail to take responsibility for a problem and want someone else to solve it.
- **pin something on** (phrase) – blame someone for something, hold someone responsible for something.
- **resort to** (verb) – use, utilize, turn to.
- **palliative** (adjective) – soothing, alleviating, calming.

Course Correction – **Undesirable and divisive: on Amit Shah's push for Hindi**

Promoting greater use of Hindi is fine, but the language of homogenisation is best avoided

It may be customary for the Union Home Minister, who is also in charge of the Department of Official Language, to make a pitch for greater use of Hindi in official work on the occasion of ‘Hindi Diwas’, observed every year on September 14. However, Home Minister Amit Shah’s remarks this year have raised the hackles of political leaders in some States that do not speak Hindi. The possible reason for the pushback from south Indian leaders to his pitch is that he went beyond the usual general remarks on promoting Hindi, and made sweeping claims that Hindi alone could unite the country, and it was the language which should become India’s “identity” globally. Embedded in his tweets as well as a speech on the occasion was a note of resentment against the continuing influence of English. The Kerala Chief Minister dismissed as absurd the claim that Hindi was a unifying force, and even saw in Mr. Shah’s remarks an attempt to trigger a controversy and to divert attention from real issues. Former Karnataka Chief Ministers Siddaramaiah and H.D. Kumaraswamy and DMK president M.K. Stalin questioned Mr. Shah’s remarks and saw in them an attempt to impose Hindi on their States. Few would disagree that imposing a language on the unwilling is hardly unifying, but could turn out to be divisive. Further,

national identity cannot be linked to any one language, as it is, by definition, something that transcends linguistic and regional differences.

It is time the Centre realised that the creation of linguistic States has obviated the need for a campaign against a "foreign language" allegedly fostering a slave mentality. Regional languages have become the official languages of the States, and the continued use of English has a strong utilitarian value. While the development of Hindi is undoubtedly a constitutional command the Union government cannot ignore, the manner in which it is done should not give the impression to the States that there is creeping imposition of Hindi. It was only a few months ago that the Centre defused a controversy when it got a paragraph removed from the draft New Education Policy that indicated the mandatory teaching of Hindi. The fact that the ruling Bharatiya Janata Party is seen as a 'Hindi-Hindu' party that encourages unbridled homogenisation also works against it whenever such controversies emerge. It would be disastrous for the country's famed diversity if the promotion of Hindi is considered a step towards a 'one nation, one language' kind of unity. Mr. Shah has spoken simultaneously about the increased use of the mother tongue, but detractors would only see it as an attempt to sugar-coat Hindi imposition and the sidelining of English. According a hegemonic role to the "most-spoken" language in the country may promote cultural homogenisation, but that is hardly desirable in a country with a diverse population, a plural ethos and is a cauldron of many languages and cultures.

Meanings of Difficult Words :

- **divisive** (adjective) – alienating/isolating, disharmonious, discordant.
- **homogenization** (noun) – the process of making things uniform/similar.
- **customary** (adjective) – usual, normal, ordinary.
- **make a pitch** (phrase) – make a bid for, try to get.
- **raise one's hackles** (phrase) – make someone very angry, upset, irritate, annoy.
- **pushback** (noun) – a negative reaction/response.
- **pitch** (noun) – an attempt to convince/persuade someone to accept something.
- **sweeping** (adjective) – unconditional/unrestricted, complete, total.
- **embedded** (adjective) – ingrained, established.
- **resentment** (noun) – bitterness, indignation, enmity, hatred/hate.
- **absurd** (noun) – illogical, unreasonable; ridiculous/laughable.
- **impose on** (verb) – force, thrust, foist.
- **transcend** (verb) – surpass, outstrip, overstep.
- **linguistic** (adjective) – relating to language; lingual.
- **obviate** (verb) – avoid, prevent, eliminate.
- **allegedly** (adverb) – supposedly, purportedly, reportedly.
- **foster** (verb) – encourage, promote, develop.
- **utilitarian** (adjective) – functional, realistic, practical.
- **creeping** (adjective) – (of a negative manner) occurring, developing gradually.
- **imposition** (noun) – imposing, forcing, pressing.
- **defuse** (verb) – reduce, lessen/diminish, ease/mitigate.
- **unbridled** (adjective) – unrestrained, unconstrained, uncontrolled.
- **disastrous** (adjective) – devastating, ravaging, ruinous.
- **detractor** (noun) – critic, fault-finder, censurer.
- **sugar-coat** (verb) – make seemingly/artificially attractive or acceptable.
- **sideline** (verb) – remove from the centre of activity/attention.
- **hegemonic** (adjective) – dominant in a context.
- **diverse** (adjective) – various, manifold/variety, very different.

- **ethos** (noun) – ethics/beliefs, principles, standards.
- **cauldron** (noun) – unstable situation, uncertainty (with emotions).

Course Correction – **The top court and a grave of freedom**

The corpus of judgments by the highest court is replete with cases where the bogey of security has trumped basic rights

The most powerful court in the world? A protector of fundamental rights? One's heart sinks. There are scores of shibboleths that need dispelling in India, but foremost among them is the notion that the Supreme Court acts, in the words of its second Chief Justice M. Patanjali Sastri, as a "sentinel on the qui vive".

Rights in Kashmir

If the court's handling of the cases concerning the unending suspension of human rights in Jammu and Kashmir should tell us anything it is this: freedom is of dispensable merit. Nothing else can explain the court's disdain for the writ of habeas corpus, which has now been stripped of all meaning, and the court's dogged refusal to so much as review the prevailing suspension of liberty in the region, simply because "security matters" are involved. Yet, for some reason, even otherwise sagacious commentators continue to place special faith in the judicial process. They see the condonation of the continuing wrongs inflicted in J&K — including the judges' failure to account for the practical freezing of the J&K High Court's functioning — as a mere aberration. But when we probe deeper what we see is a court that has so often in the past been a grave of freedom.

Ordinarily, when we think about the Supreme Court and its record in preserving civil liberties, our collective minds hark back to the dark days of the Indira Gandhi-imposed Emergency. Then, the court's status as a check on democratically obtained authority reached its nadir, when it ruled in *ADM Jabalpur v. Shivkant Shukla* that fundamental rights could be validly negated during a period of the Emergency. But this judgment is scarcely an outlier — it is merely an extreme exposition of the court's default frame of mind.

Faulty trade-off

Throughout history the court has consistently seen individual liberty as an expendable value. Its corpus of judgments is replete with cases where it has allowed the bogey of security to trump freedom. That such a trade-off is neither constitutionally mandated nor rooted in a logic of the rule of law has barely placed any constraints on the court. This has meant an upholding of a plethora of legislation, including The Preventive Detention Act, 1950; The Armed Forces (Special Powers) Act, 1958 or (AFSPA); Maintenance of Internal Security Act, 1971; The Terrorist and Disruptive Activities (Prevention) Act, 1985, or TADA; and The Prevention of Terrorism Act, 2002. Although some of these statutes have since been repealed, each of them allowed, among other things, the political executive of the time to define and cite "security of the state" as a legitimate reason for limiting a citizen's rights. As Ujjwal Kumar Singh has argued, these judgments have resulted in the exception becoming the norm, and in the creation of a seemingly permanent state of emergency.

The groundwork for this record, however, was laid at the very founding of the Supreme Court. Today, we are prone to offering encomiums to the court's earliest years, but nowhere is its inherent and deeply felt distrust of fundamental freedoms more apparent than in its first big constitutional verdict.

The year was 1950, and the communist leader A.K. Gopalan, who had been detained without trial, even after Independence, was incarcerated under a freshly minted Preventive Detention Act, a legislation that was passed hot on the heels of the Constitution's inauguration. Supporting the statute, the state cited Article 22, which provided, among other things, a set of procedural guarantees to persons detained pre-emptively. But what the government failed to see was that the provision was primarily incorporated to ensure that even those persons confined in exigent circumstances were entitled to a set of basic rights.

The article, it ought to have been clear, hardly provided a carte blanche to Parliament permitting it to legislate and allow for preventive detention on arbitrary grounds. Indeed, as M.K. Nambyar, who represented Gopalan in court, argued, "no amount of fine phrasing could disguise the fact that preventive detention without trial is utterly repugnant to the universal conscience of civilized mankind".

But the court endorsed the law. It saw the Constitution's provision of a framework for preventive detention as a parliamentary licence. What is more, even more damagingly, the court held that the guarantee of a right to life and personal liberty under Article 21 could be denied so long as there existed a validly enacted piece of legislation. To the majority on the court (which included Justice Sastri), the various freedoms that Article 19(1) guaranteed — such as the rights to freedom of expression, freedom of assembly and the freedom to move freely throughout India — were simply not available to a person detained under a penal law. Therefore, in its belief, the state had no obligation to show the court that a statute providing for preventive detention was otherwise reasonable and grounded in one of the constitutionally stated exceptions. The upshot was catastrophic: the court had effectively held that so long as a law providing for preventive detention conformed to the procedural requirements of Article 22, it could mandate confinement without trial on any arbitrary basis.

A disconnect

This idea, that fundamental rights exist in a silo, has since been overruled in R.C. Cooper's case (1970). But the court's ostensible change in attitude has not translated into actual rulings limiting the government's ability to detain people without reason. Quite to the contrary, the rationale employed in the judgment in Gopalan was applied when the court upheld the Maintenance of Internal Security Act, or MISA, a few years later in Haradhan Saha (1974). The Constitution, the court wrote there, conferred rights under Article 19, but it also "adopted preventive detention to prevent the greater evil of elements imperilling the security, the safety of a State and the welfare of the Nation".

Gopalan's logic persisted through the ensuing decades when the court upheld the TADA and the AFSPA, respectively, in Kartar Singh (1994) and in Naga People's Movement of Human Rights (1997). In the former, a divided bench found little wrong with allowing custodial confessions to be considered admissible as evidence. In the latter, the court granted to the government a warrant to extend and apply the legislation with impunity to any area designated as "disturbed" for any unlimited period the government thought fit.

The ritual burying of Gopalan has, therefore, had little practical consequence. Despite the ostensible change in the law, the court has continued to uphold statutes that treat basic civil liberties as a trifling inconvenience merely because they deal with a special class of offences. As Justice R.M. Sahai noted in his dissenting opinion in Kartar Singh, the court has effectively taken the "law back once again to the days of Gopalan".

Almost a template

That the Constitution requires pursuance cannot be doubted. The Supreme Court, even in recent times, has intervened to resuscitate some of the document's most foundational guarantees. Notably, in K.S. Puttaswamy (2017), a nine-judge bench unanimously ruled that a promise of a right to privacy is embedded in Article 21. There, in his concurring opinion, Justice R.F. Nariman affirmed, among others, Justice Fazl Ali's dissenting opinion in Gopalan, the foresight of which, he held, "simply takes our breath away". Yet, as we have seen time and again, when the stakes are at their highest the Supreme Court reverts to type, bringing to mind Sir Edward Coke's aphoristic appeal in the House of Commons for the Petition of Right: "Shall the soldier and the justice sit on one bench, the trumpet will not let the crier speak."

Meanings of Difficult Words :

- **grave** (adjective) – crucial/critical, important/significant, serious.
- **corpus** (noun) – collection, compilation, aggregation.
- **replete with** (adjective) – filled with, well supplied/stocked with, overloaded.
- **bogey** (noun) – nightmare/anathema, curse, bane.
- **trump** (verb) – outshine, outclass, upstage.
- **one's heart sinks** (phrase) – used to convey a feeling of sudden sadness.
- **scores of** (noun) – a lot, a large number of, a great quantity of.
- **shibboleth** (noun) – tradition, practice, procedure.
- **dispel** (verb) – banish, eliminate/remove, dismiss.
- **sentinel** (noun) – sentry, security guard.
- **on the qui vive** (phrase) – In French, "qui vive" means "Long live, who?". but in English, it does differently mean as "alert"; watching very carefully.
- **dispensable** (adjective) – expendable, disposable, replaceable, inessential.
- **merit** (noun) – quality, point, value.
- **disdain** (noun) – contempt, disrespect; indifference/dismissiveness.
- **writ** (noun) – summons, warrant, court order.
- **habeas corpus** (noun) – Latin phrase meaning literally "that you have the body". The court order to bring the person (in custody/detention) to the court to decide on the imprisonment is legal or illegal.
- **strip** (verb) – take away from, dispossess, deprive/deny.
- **dogged** (adjective) – determined, resolute, focused.
- **prevailing** (adjective) – existing; current.
- **sagacious** (adjective) – clever, intelligent, showing great knowledge.
- **commentator** (noun) – critic, analyst; journalist/reporter.
- **condonation** (noun) – justification, vindication, endorsement.
- **inflict** (verb) – impose, force, thrust.
- **aberration** (noun) – discrepancy, deviation/departure, mistake.
- **hark back** (phrasal verb) – recall, recollect, think of.
- **nadir** (noun) – the lowest point, the all-time low, the lowest level.
- **negate** (verb) – invalidate, nullify, cancel out.
- **scarcely** (adverb) – hardly, barely; rarely.
- **outlier** (noun) – a person/thing which is detached from the main system.
- **exposition** (noun) – explanation, description, illustration.
- **frame of mind** (phrase) – spirit, attitude, condition.

- **trade-off** (noun) – a situation in which you must choose between or balance two things that are opposite or cannot be had at the same time; a compromise; swap, exchange.
- **expendable** (adjective) – dispensable; replaceable, unimportant/unnecessary.
- **root in** (verb) – have as an origin, have something as a cause.
- **uphold** (verb) – confirm, endorse/approve, vindicate/validate.
- **plethora** (noun) – excess, abundance, surplus/too many.
- **statute** (noun) – act/law, regulation, rule.
- **repeal** (verb) – cancel, abrogate, annul, nullify (a law/act).
- **groundwork** (noun) – preliminary work, basic work, fundamentals.
- **prone** (adjective) – predisposed, inclined, be subjected to.
- **encomiums** (noun) – praise, acclaim, accolade.
- **inherent** (adjective) – basic/fundamental, implicit.
- **detain** (verb) – hold, take into custody, arrest.
- **incarcerate** (verb) – imprison, confine, put in prison.
- **mint** (verb) – create, invent, frame, originate.
- **detention** (noun) – confinement/incarceration, captivity, custody.
- **on the heels of** (phrase) – very soon after something, following closely after something.
- **inauguration** (noun) – swearing in, appointment, admission.
- **pre-emptively** (adverb) – preventively, precautionarily, protectively.
- **exigent** (adjective) – pressing; demanding, serious, important.
- **ought to** (modal verb) – must, should.
- **carte blanche** (noun) – French phrase literally means “blank or white card/sheet/paper”; it refers to complete freedom/full permission to act as someone wants.
- **arbitrary ground** (noun) – personal reason.
- **disguise** (verb) – conceal, hide, cover up.
- **utterly** (adverb) – completely, totally, absolutely.
- **repugnant** (adjective) – unacceptable, awful, terrible.
- **conscience** (noun) – inner voice, moral sense; morals, values.
- **upshot** (noun) – result, consequence, outcome/effect.
- **catastrophic** (adjective) – destructive, ruinous, disastrous.
- **silo** (noun) – system, process, department.
- **overrule** (verb) – cancel, reverse, rescind, repeal.

- **ostensible** (adjective) – apparent, seeming, alleged/purported.
- **rationale** (noun) – reason/basis; principle.
- **imperil** (verb) – endanger, jeopardize, risk.
- **ensuing** (adjective) – following, subsequent, successive.
- **confession** (noun) – acknowledgement, acceptance, admission.
- **warrant** (noun) – authorization, written order, licence/permit.
- **impunity** (noun) – immunity, exemption/freedom from punishment, special treatment.
- **trifling** (adjective) – trivial, unimportant, insignificant.
- **dissenting** (adjective) – disagreeing, disapproving, opposing.
- **template** (noun) – model, pattern/example, blueprint.
- **pursuance** (noun) – execution, discharge, implementation.
- **resuscitate** (verb) – strengthen, revive, revitalize, improve the condition of something.
- **unanimously** (adverb) – without opposition, agreed to by everyone involved.
- **embedded** (adjective) – ingrained, established.
- **concurring** (adjective) – agreeing, affirmative, favourable.
- **foresight** (noun) – forethought, anticipation, planning.
- **take someone's breath away** (phrase) – shock, surprise greatly, amaze.
- **time and again** (phrase) – repeatedly, frequently, often.
- **aphoristic** (adjective) – proverbial, well known, famous.
- **House of Commons** (noun) – the lower house of the Parliament of the United Kingdom ("the House of Lords" is the upper house).
- **trumpet** (verb) – announce, declare, proclaim loudly.

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