



Sacking by subterfuge

Removal of A.P.'s top election official through ordinance route is a case of abuse of power

The legality of the removal of the Andhra Pradesh State Election Commissioner (SEC) is seriously in doubt. That it was the culmination of an open conflict between the Election Commissioner, N. Ramesh Kumar, and Chief Minister Y.S. Jagan Mohan Reddy makes it a glaring instance of misuse of power. The State government got the Governor to issue an ordinance to cut the SEC's tenure from five to three years, and amend the criterion for holding that office from being an officer of the rank of Principal Secretary and above to one who had served as a High Court judge. This automatically rendered Mr. Kumar's continuance invalid. Last month, just days before the local body polls were to be held, the SEC postponed the elections, citing the COVID-19 outbreak. The State government approached the Supreme Court, but the court declined to interfere. Having exhausted its legal remedy, the government should have waited for the ongoing fight against the disease to be over. Mr. Reddy's allegation that the SEC, an appointee of his predecessor N. Chandrababu Naidu, postponed the polls to prevent a sweep by the YSR Congress may or may not be true. However, the Chief Minister has no legal right to terminate the SEC's tenure, as the Constitution makes the holder of that post removable only in the same manner as a High Court judge. If courts uphold this means of dislodging the head of an independent election body, it would mark the end of free and fair elections.

The State government seems to have gone by legal opinion that cited *Aparnita Prasad Singh vs. State of U.P.* (2007) in which the Allahabad High Court ruled that cessation of tenure does not amount to removal, and upheld the State Election Commissioner's term being cut short. The Supreme Court, while dismissing an appeal against the order, kept open the legal questions arising from the case. The judgment seems erroneous, as it gives a *carte blanche* to the State government to remove an inconvenient election authority by merely changing the tenure or retirement age. This was surely not what was envisioned by Parliament, which wrote into the Constitution provisions to safeguard the independence of the State Election Commission. It is a well-settled principle in law that what cannot be done directly cannot be done indirectly. Therefore, the removal of an incumbent SEC through the subterfuge of changing the eligibility norms for appointment may not survive judicial scrutiny. Further, the Constitution, under Article 243K, prohibits the variation of any condition of service to the detriment of any incumbent. Even if the State government argues that a change of tenure does not amount to varying the conditions of service, the new norm can only apply to the successor SEC, and not the one holding the office now.

Google, pay

The French **template** for the search engine paying for reuse of news **holds promise**

Last week's **ruling** by France's competition regulator that Google must pay news publishers and agencies for re-use of their content **marks** a significant **turn** in what has been a **see-saw** battle between European regulators and publishers **on the one hand** and the tech giant **on the other**. How this ends and what this leads to could set the template for not just the news industry in France and Europe but also the rest of the world. **For the time being**, the ruling gives the **beleaguered** news industry in France a rare **edge** in its dealings with the tech giant. Over the last two decades, even as publishers across the world struggled to make a commercially meaningful **transition** to the digital world, Google became the primary gateway for readers. While this **worked well** for the readers and for Google, which as a result could build a **mammoth** advertising business, it never worked well enough for news publishers, **notwithstanding** the increase in traffic they experienced. Many publishers are, hence, now in a position where they can neither **let go** of their dependence on the tech giant nor make **monetary** sense from this arrangement. Also, individually, they are too small to challenge Google's might. It is by recognising the **skewed** nature of this copyright marketplace that the European legislators **amended** rules in April last year – something which France then **gave force to** in July.

The **genesis** of the order by the French competition regulator was a complaint filed against Google by unions representing publishers. They **charged** Google with **abusing** its **dominant** position in response to the law, which **seeks** to create fairer **grounds** of negotiation. This it does by allowing for the possibility of publishers to be paid for article **extracts** picked up by **aggregators**. The complaint was that Google, on the grounds of **complying** with the new law, decided it would not display the extracts and other elements **unless** publishers authorise free usage. The regulator said it found that Google's practices "were likely to **constitute** an abuse of a dominant position, and caused serious and immediate harm to the press sector." It **could be argued** that the French case will do little to **shake up** the existing framework. Previous legislative attempts by other European Union constituents, such as Germany and Spain, to allow for such extracts to be **monetised** by publishers have proved **counterproductive**. For instance, Google ended up shutting down its news service in Spain. But the French attempt promises to end differently. That is because, **built in** in the regulator's order is a requirement that negotiations "effectively result in a proposal for **remuneration** from Google." Where will this go from here? Publishers across the world will be watching.

Staying at home on planet earth

The pandemic tells us that the right to shelter and habitat is an urgent and essential one, for humans and other creatures



ANAND PANDIAN

Right now, more of humanity is likely at home than at any other time in history. From India and China to the United States, from Norway and Denmark to South Africa and Argentina, governments have told their people to stay at home, to slow the spread of the coronavirus. Billions held in place for an indefinite time: the implications of these radical measures will take time to unravel. What does home actually look like for different people? And what will come of our relationships with the wider world outside our doors?

Home means many different things, as does the command to remain there. Lately I've been talking often with a family of textile workers in the industrial town of Tiruppur. The lockdown came so suddenly that they lost the chance to go back to their native place. Each family in their worker colony has one tiny room of their own. The children have been playing in the common courtyard. With police wielding batons on the streets, everyone is afraid to set foot outside. The factories are shuttered, wages suspended, and people are getting by as best as they can.

Staying at home brings into focus the question of whom we consider our own, whom we take shelter with. A community checkpoint has gone up on the edge of a village I know well in the Cumbum Valley. Panchayat workers are taking turns at the wooden gate, asking everyone to wash with soap and water, turmeric and neem, before they enter the village. The post is near the Dalit quarter on

the outskirts of the village: isolated and disparaged in almost every matter, but included within this new collective boundary of cleanliness.

Migrants caught in impasse

Governments around the world assert home as a place of safety and shelter. This idea assumes that one has a viable home in which to stay put, that food and fresh water are accessible, that survival doesn't require one to leave or flee. In recent weeks, many countries have seen a surge in domestic violence. And lockdowns at national and regional borders have caught millions of migrants in an existential impasse. The coronavirus may ravage densely packed refugee camps around the world, but people have nowhere else to go. The United States is turning refugees away now at its own borders, without giving them the chance to appeal for asylum.

Within America, where I live with my family, many rely on online portals to the world beyond, juggling virtual meetings with lessons for kids, peering by video into the homes of others. Such distance is a privilege. Others, especially minorities and the poor, must still expose themselves: caring for the ill, harvesting food and delivering necessities, maintaining the infrastructure that lets the rest of us hunker down. The pandemic has also brought homelessness and eviction into focus, the simmering crisis of affordable housing in so many American cities.

"Shelter in place" orders now govern many American localities. The language recalls the nuclear terrors of the Cold War era; people are advised to 'shelter in place' when the environment itself is hazardous, when simply being outside risks exposure. This idea helps explain why some in America, including the President, have



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blamed the pandemic on a "foreign virus." There is racism in such language, akin to the way that Muslims have been blamed on social media for the spread of the virus in India. There is also a certain way of thinking here about the world beyond: as a space of uncertainty and threat, home as refuge from a dangerous world.

Recent lockdowns come on the heels of an intense drive for security in everyday life. On a daily level, wealthy Americans and others elsewhere have already been armoured up: retreating to fortress-like homes, moving about in tank-like SUVs, walling themselves off in many ways. "Americans are in fear," the security manager at an exclusive gated community in Florida told me a couple of years ago. The streets there were already strangely isolated and still. When the current pandemic passes, how many will remain afraid to go outside?

Kinship beyond family circle

In my urban neighbourhood in Baltimore, social life sputters on. Here, staying at home hasn't meant just staying indoors. People seek out parks and open space with kids and dogs, calling out to each other from a distance. It's springtime; with the cars and machinery idle, you can hear the songbirds more clearly, even the toads chirping from the flood con-

Re-imagining our economic choices

For decades, human beings have chosen profits over lives. The time has come to jettison this approach



KAUSHIK BARUA

The COVID-19 pandemic will reshape all our economic choices. Nations have made a crucial choice in recent weeks, choosing human life over economic growth. Governments including ours have mandated lockdowns to slow the pandemic, relieve the pressure on their hospitals and save lives. On the one hand, there will be massive economic costs. Fitch Ratings have halved their 2020 growth forecast. The volatility is unprecedented. A *Forbes* assessment started with the pithy disclaimer "Last week's economic forecast is out of date." On the other hand, updates land in our phones on a minute-by-minute basis, invoking both our empathy and our fear. Our choice is obvious – human life over economic growth. To choose otherwise would be inhuman. Surely, we have always made the same choice? Hardly.

For decades, we have chosen profits and growth over human lives. The World Health Organiza-

tion (WHO) estimates that 4.2 million lives are lost annually due to air pollution. These deaths occur in dispersed locations, through varying illnesses and outside our frenzied social media feeds. Therefore, the choice is not as clear to us. It is a choice between 4.2 million lives and the marginal returns from industries choosing polluting vs. non-polluting technologies. This is not a Luddite call to replace our cars with carriages. Cleaner technologies are available, and not only for Prius owners. For instance, through our IFAD programs, low-cost technologies are being developed even for small-holder farmers.

Saving lives

Surely, we are finally saving all lives now? The recommendations are clear. Practice social distancing? This is hardly viable for the 2% of the global population who are homeless or the 20% who lack adequate housing. Social distancing will also take a disproportionate economic toll on the informal sector, employing up to 60% of the working population globally and 90% in India. The cure could trigger deep poverty and a food security crisis, actually endangering more lives. In this context, the first ₹1.7 lakh crore relief package was encouraging in its focus on ensur-



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ing food security and cash transfers for the vulnerable.

Wash your hands? What about the 35% who lack access to sanitation? According to UNICEF, even prior to COVID-19, diseases directly linked to lack of safe water killed 1,400 children under five every day, globally over half a million a year. There has been a renewed focus on sanitation in recent years. More is needed, but long-term measures might expand the fiscal deficit.

Economics is about choices, a study of 'human behaviour as a relationship between ends and scarce means'. Trade-offs are central to these choices. On the one hand: 4.2 million, 0.5 million, 1,15,000 (and counting) lives. On the other: lower GDP rates, more expensive technologies, higher fiscal deficits. Such comparisons might not pass our usual aesthetic standards. But this pandemic will

test our imagination. Binaries between left and right are collapsing. A Republican Treasury Secretary in the United States is suggesting cash transfers for all workers. The Confederation of Indian Industry is advising pay cuts for senior management while ensuring workers do not lose jobs. Liberal democracies are competing to curtail individual rights and movement. Citizens are supporting (even demanding) these restrictions. We have embraced a suspension of laws, a near-global 'state of exception'.

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Sense of a common fate

The COVID-19 pandemic is a boot camp in ecological awareness, a reminder that the well-being of any one person is tied up with ever so many others, both family and neighbours and those we'll never meet or know. This sense of a com-

mon fate, a truly planetary predicament, is a rare and crucial thing. It is manifest in the many mutual aid networks and progressive political measures that have taken shape to meet the needs of vulnerable populations. Such resources will matter for other serious problems like the climate crisis, which will provoke new waves of homelessness and displacement. So much will turn on our ability to dwell on the deep ties between our lives and others elsewhere, the forms of kinship that we may nurture.

In April 1970, the first Earth Day was inspired by a photograph from Apollo 8, an image of the Earth as a fragile blue ball in the vastness of space. Many hoped this vision of a vulnerable world would catalyse environmental consciousness and bring a planetary healing, dissipating the rancour of social and political antagonism. As the 50th anniversary of this moment nears, in 2020, we seem to be edging even closer to ecological catastrophe. And yet the alternative remains, the chance to take the earth itself as a place of collective shelter.

In a world of stark inequality, this will have to be more than the idea of a common planetary home. We need to think carefully about what home has been for particular people, and how to build and maintain more generous structures of belonging. The pandemic tells us that the right to housing, to shelter and habitat, is an urgent and essential one, for human beings and the countless other creatures we share this planet with. Securing this right will help to avert the ecological crises to come, and we may find ourselves at home in the world once again.

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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.

Policeman attacked

It is atrocious that the hand of an assistant sub inspector of police was severed by people in Patiala (Front page, "I held for chopping off policeman's hand," April 13), when they were asked for curfew passes. This unfortunate incident shows how ignorant some of us have been when it comes to observing the norms to prevent the transmission of the virus. It also speaks volumes about the risks being taken by the police and medical staff. Those who carry out such acts of brutality should be tried in fast-track courts and punished immediately.

J. EDEN ALEXANDER,
Thanjavur, Tamil Nadu

Protests in Surat

The two successive protests by migrant workers in

Surat, demanding wages, food and permission to return to their homes are only a genuine manifestation of their anger and frustration at being pushed to the edge of starvation. This is a wake-up call for governments to immediately address their genuine grievances. While the protesters must not resort to violence, such protests should also not be viewed through a narrow law and order prism. That one gets to hear of such a pathetic state of shelter homes in a State showcased as a model of governance is indeed shameful. It does not speak well of the local NGOs either. In this regard, shedding the ideological prejudices, Gujarat would do well to emulate the Kerala government's handling of such migrant workers. Those in shelter

homes must be provided with the basic needs for a dignified living without being treated as social parasites. The enormity of this humongous humanitarian crisis would deserve the Prime Minister's personal intervention before such violent protests spread like another form of pandemic.

S.K. CHOUDHURY,
Bengaluru

Call for solidarity

Pope Francis's call for global solidarity in fighting the COVID-19 pandemic fallout, urging the relaxation of international sanctions, debt relief for poor nations and ceasefire in all conflicts has not come a day too soon (World page, "Banish self-centredness, Pope tells the world," April 13). The Pope's Easter message, delivered from a

hauntingly empty St. Peter's Basilica, was totally in tune with the times. The world ought to listen to his exhortation for banishing words like "indifference", "self-centredness", "division" and "forgetfulness". As the whole is affected by a deadly and invisible enemy called COVID-19, it is time for the leaders of nations to come together and take decisive and concerted action to help each other's population live through the testing times and eventually resume normal life, as urged by the pontiff.

C.G. KURIAKOSE,
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The corona lexicon

The scourge of coronavirus-centric words has added to or replenished our verbal repertoire. "Outbreak" and "pandemic" are terms that

constantly catch our eyes and ring in our ears. "Quarantine", "self-isolation", "staying at home" and "staying indoors" have become part of the common parlance. One abbreviation that appears to be regal, but really simple and humble is PPE. Perhaps there is nobody who is not informed of "social distancing". The lexicon has organically updated itself by including terms like "corona warriors" to refer to health professionals. It is encouraging that people are getting more sensitised to facts on the disease.

G. DAVID MILTON,
Maruthancode, Tamil Nadu

Playing with pandemic

It is both funny and irritating to read about the likelihood of IPL 2020

getting postponed instead of cancelled ("IPL set to be indefinitely postponed," April 13). What is the dire need to conduct IPL 2020 at any cost? Not conducting the event, it is alleged, would result in huge revenue loss. Of the two losses, lakhs of lives and revenue, which is more precious? Taking a threatening pandemic head on and quelling its resurgence are the paramount issues worldwide. Under these trying circumstances, no one is worried about a sporting event. Wimbledon has been cancelled. The Tokyo Olympics have been postponed by one year. Is IPL 2020 more important than these events?

V. LAKSHMANAN,
Tirupur, Tamil Nadu