SIMPLY PUT

The Amendment procedure

Debate on the 10% 'forward quota' Bill saw arguments on the amendment procedure, including whether

the Bill should be ratified by state Assemblies, and questions related to aided and unaided institutions

#ExpressExplained

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### **TELLING NUMBERS**

# Donald Trump's wall: in midst of shutdown, here's where it stands

The partial shutdown of the United States government that entered Day 19 Wednesday is the result of a standoff between President Donald Trump, who wants \$5.6 billion to build a wall along the US-Mexico border, and House Democrats who have said they wouldn't give him a dollar for his "immoral" project.

The wall was President Trump's signature campaign promise, and he has pressed relentlessly for it. Progress, however, has been slow even as his claims of a massive crisis at the border have appeared to be contradicted by continuously falling numbers of illegal entries into the



United States for at least the last two decades. Figures compiled by *The New* an extended wall has been built un-

# 1,954 miles Length of the US-Mexico border

# 1,000 miles

Length of the concrete or steel wall that Trump wants. He has commissioned 8 prototypes. No walls along these prototypes have been built or funded by Congress

# 654 miles

Barriers of various types that existed before Trump became President

Length of new barriers that have been built under Trump. Some existing bar-







(From left) An existing barrier in El Paso sector of the US-Mexico border; a replacement barrier made of steel slats is installed in Naco, Arizona; a concrete wall is one of the prototypes commissioned by **President Trump.** *US Customs and Border Protection/The New York Times* 

York Times show not a single mile of der Trump so far.

# riers have been replaced, though

124 miles

Length of new and replacement barriers approved by Congress, using existing designs

# 40 miles

Of the approved barriers, this is the length of replacement barriers that have been built or started. Ground is expected to be broken on an additional 61 miles in 2019

# 14 miles

Length of new barriers work on which will begin in February — the first extension of current barriers

However, if the amendment seeks to

Constitution shall stand amended".



Finance Minister Arun Jaitley in Rajya Sabha Wednesday. PTI

make a change in certain specific provisions, including Articles 54, 55, 73, "Chapter IV of Part V, Chapter V of Part VI, or Chapter I of Part XI, or any of the Lists in the Seventh Schedule, or the representation of States in Parliament," etc., "the amendment shall also require to be ratified by the Legislatures of not less than one-half of the States...".

Parliament cannot amend those provisions which form the "basic structure of the Constitution", according to the Supreme Court ruling in the landmark 1973 Kesavananda Bharati case.

Fundamental Rights and Directive Principles are the two most important provisions that can be amended by the special majority. All provisions that do not require ratification by states, and those that come directly under the purview of Article 368, have to be amended by the special majority.

Any of the amendments proposed in Articles 4,169, and 239-A, and paras 7 and 21 of the Fifth and Sixth Schedules respectively, are excluded from the purview of Article 368. The Bill is passed with a majority required for the passage of an ordinary Bill.

Provisions related to the federal structure enshrined in the Constitution can be amended only by a special majority and with the consent of the states. The important provisions that require ratification by the states include the election of President; Supreme Court and High Courts; representation of states in Parliament; distribution of legislative powers between the Union and the states; and the extent of executive power of the Union and the states. Most importantly, any amendment to

Article 368 itself, requires ratification by the

#### **Article 15(5) of Constitution** Article 15 guarantees the Fundamental

Right of prohibition of discrimination on grounds of religion, race, caste, sex, or place of birth. Articles 15(1) and (2) broadly state that the "State" shall not discriminate "any citizen" on grounds only of religion, race, caste, sex, place of birth or any of them; and there shall be no restriction on any person to access and use the public places and places of public resort maintained wholly or partly by the state or dedicated to the use of the general public.

Article 15(3) onward, the Constitution lays down provisions relating to protective discrimination — the policy of granting special privileges to underprivileged sections. Articles 15(3) and 15(4) are the foundation for reservations in education and employment in the country. Article 15(3) empowers the state to make special provisions for women and children; Article 15(4) empowers the state to make special provisions for advancement of socially and educationally backwards, and SC/STs.

Article 15(5) was introduced by The Constitution (Ninety-Third Amendment) Act, 2005. It is an enabling clause that empowers the state to make such provision for the advancement of SC, ST and Socially and Educationally Backward Classes (SEBC) of citizens in relation to a specific subject, namely, admission to educational institutions including private educational institutions whether aided or unaided by the State notwithstanding the provisions of Article 19(1)(g).

After the Constitution was amended Parliament passed The Central Educational Institutions (Reservation in Admission) Act It is to be noted that these provisions are not applicable to minority institutions.

#### The Ninety Third Amendment

The amendment was challenged on two major issues: whether it violated the "basic structure", and whether Articles 15(4) and 15(5) were mutually contradictory — and hence, Article 15(5) was ultra vires of the Constitution.

In March 2008, a five-judge Constitution Bench headed by the then CJI K G Balakrishnan upheld the law providing 27 per cent quota for OBCs in IITs, IIMs and other central educational institutions, but said it would not apply to the "creamy layer". The court, in Ashoka Kumar Thakur versus Union of India, held that the "creamy layer" must be excluded from the SEBCs and continuance of quota under the Central Educational Institutions (Reservation in Admission) Act 2006, should be periodically reviewed after five years. The Bench upheld the validity of the Constitution (93rd Amendment) Act 2005, empowering the Centre to come out with the special law for OBC quota in higher educational institutions. It also held that the amendment does not violate the "basic structure" of the Constitution in so far as it relates to state-maintained institutions and aided educational institutions. It rejected the contention that Article 15(5) was contradictory to Article 15(4), and upheld the exclusion of minority educational institutions from the purview of Article 15(5).

## TIP FOR READING LIST

## A HISTORY OF WALLS

Rills on Belly

IF IT lasts until the end of this week, the current partial shutdown of the United States government would be its longest ever. About 800,000 government employees are either furloughed or working without pay, in addition to hundreds of thousands of contractors. The crisis is because of the "big, beautiful wall"

that President Donald Trump wants along the border with Mexico to keep "criminals, human traffickers and drugs" from "pouring into" the US. The idea of building walls for

security and protection is, of course, thousands of years old, as city walls in ancient civilisations across the world attest. Historian David Frye's Walls: A History of

Civilization in Blood and Brick, a new book that seems especially topical now, begins with a timeline of walls built by man from c. 2000 BC to 1989, the year the Berlin wall fell. He notes also that "border walls have experienced a conspicuous revival in the twenty-first century", and that "worldwide, some seventy barriers of various sorts currently stand guard over borders". Ironically enough, "the mere concept of walls now divides people more thoroughly than any structure of brick and stone". Because, "for every person who

> sees a wall as an act of oppression, there is always another urging the construction of newer, higher and longer barriers", with the two sides "hardly speaking to each other".

> Despite the appearance, his book, Frye says, "isn't intended to be a history of walls" — rather, "it is, as the subtitle indicates, a

history of civilisation (that explores) the unrecognised and often surprising influence of walls (on it)". The chapters organised under the four sections of the book - 'Builders and Barbarians', The Great Age of Walls', 'The World in Transition', and 'A Clash of Symbols' tell this story.

# What a Harappan grave says about marriage

**ANJALI MARAR** 

PUNE, JANUARY 9

**KAUNAIN SHERIFF M** 

NEW DELHI, JANUARY 9

the states have to approve it".

DURING THE Lok Sabha debate on the

Constitution amendment Bill to provide a

quota in jobs and education for the "econom-

ically weaker sections", Congress's K V

Thomas said "this Bill has to be passed by a

two-thirds majority, and then, 50 per cent of

Minister Arun Jaitley said that to amend part

3 of Article 368 of the Constitution (which

describes the "Power of Parliament to amend

the Constitution and procedure therefor"),

which concerns the Fundamental Rights,

there is no need to go to the state legislatures.

Even the amendment that added Article

15(5) to the Constitution had been approved

Achary, when reached for a comment, told

*The Indian Express*: "The Constitution (124th

Amendment) Bill, 2019 is not required to be

ratified by half the state assemblies. The Bill

will be through once both Lok Sabha and

Rajya Sabha pass it in accordance with the

sage of Constitution amendment Bills vary?

**Amendment of Constitution** 

How and why do procedures for the pas-

Part XX of the Constitution deals with its

amendment. Under Article 368(2), Parliament

can amend the Constitution by passing a Bill

in "each House by a majority of the total mem-

bership of that House and by a majority of not

less than two-thirds of the members of that

House present and voting". Thereafter, the Bill

"shall be presented to the President who shall

give his assent... and thereupon the

laid-down procedure."

Former Lok Sabha Secretary-General PDT

only by the two Houses of Parliament.

Intervening in the debate, Finance

NEAR-COMPLETE skeletal remains of a young male and female, believed to be a couple, have been discovered at a recently excavated archaeological site in Rakhigarhi village in Haryana, suggesting, according to the scientists who found the remains, that marriage as an institution could have originated in India.

## The Excavation

A team of Indian and South Korean researchers, led by Vasant Shinde of Deccan College, Pune, carried out excavations in Rakhigarhi, one of the most prominent sites of the Harappan civilisation, between 2013 and 2016. The excavations have made news as details of the finds have emerged periodically.

The skeletal remains of the couple were discovered from a site where nine graves were unearthed in one trench. Except for the foot bones, the two skeletons have been found almost entirely intact. Of the 62 graves discovered in Rakhigarhi, only this one had more than one skeleton — and of individuals of the opposite sex, together.

The researchers believe the couple were buried at almost the same time, perhaps



Well preserved skeletal remains were found in a supine position with arms and legs extended inside the pit where one of the graves was unearthered at Rakhigarhi in Haryana. Vasant Shinde

even together, following their deaths which could have occurred about 4,700 years ago. They believe the male was around 38 years old at the time of his death, while the female was around 25.

## The 'Marriage'

Most archaeological recoveries show individuals were buried separately in Harappan times. Joint graves have been very rare, and almost none have been found containing a couple. The only joint burial of a Lothal in Gujarat. But there, the skeletal remains of the male and female were found placed over one other, indicating that they may have been buried at the same place, but at different times. In addition, the female skeletal remains were found to have lesions or injury marks, leading archaeologists to conclude that her death could have been the result of a social practice such as Sati.

couple discovered earlier has been from

In the present case, however, the skeletal remains were found in a supine position with arms and legs extended. The head of the male was found facing towards the female's, possibly indicating an intimate relationship, Shinde told *The Indian Express*.

Remains of pots and stone-bead jewellery found close to the burial site of the couple point to the possibility of a ceremonial burial with rituals. These remains also suggest they belonged to a middle-class family.

No lesions have been found on the bones the couple, leading researchers to rule out the possibility of their having been murdered. It is possible a heart ailment of some kind led to the deaths, the researchers believe.

Shinde said the Harappan people were generally known to strictly adhere to only legal relations, and the fact that the couple were buried in the same pit together could be an indication of societal acceptance of

were inclined to believe that they could have been married — which would in turn suggest the possibility that the institution of marriage originated in the Harappan civilisation.

their relationship. The researchers, he said,

## Other graves

Broadly, three types of graves have been discovered at Harappan sites. In the most common type, known as the primary grave, archaeologists have found full-body remains of the person placed inside a pit. Secondary pits were those that contained partial remains of a few bones placed in the pit. In the third type of the grave, skeletal remains were completely missing in the burial pit. Instead, there were some accessories, presumably the belongings of the deceased person. Perhaps the body could not be ever retrieved, possibly in cases of deaths caused by wild animals or during wars.

So far, at Harappan sites, most graves have been that of men. Only 20% of graves are of women, while fewer that 1% are of children. Excavations of cemeteries so far have found that graves of women were positioned in the centre of the cemetery, and surrounded with bangles, jewellery, and other ornaments. This, experts suggest, could mean that the Harappan society gave a higher status to women.

## FACT CHECK, GROUND REALITY

# HAL's order books are full, its trade receivables up, bank balance down

**JOHNSON TA** 

BENGALURU, JANUARY 9

THE PUBLIC sector aircraftmaker Hindustan Aeronautics Limited (HAL), which is at the centre of a political controversy since losing out on a contract for licensed manufacture of 108 French Rafale fighter jets in India, has seen its trade receivables — primarily from its main client, the Government of India's Ministry of Defence — balloon from Rs 4,220 crore in March 2017 to Rs 9,845 crore as on September 30, 2018, according to financial data put out by the company.

The Rs 9,845 crore of receivables is the highest amount of outstanding trade payments reported by HAL in financial disclosures made since 2012 on the company's website. (see left chart)

"Debts from the government departments are generally treated as fully recoverable and hence the company does not recognize credit risk of such financial assets," the company has stated in filings.

As its trade receivables have increased, HAL has seen a diminution of its cash and bank balance from a high of Rs 17,671 crore in the 2015 financial year to a low of Rs 725 crore at the end of the first half of the current 2019 financial year.

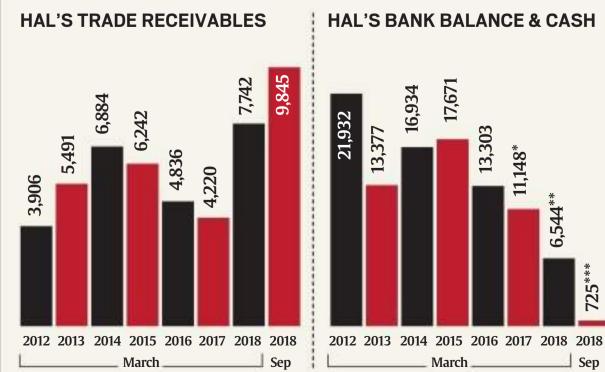
The company's financial records indicate borrowings to the tune of Rs 1,000 crore from banks at the start of 2018 for "building capacity" and funding expenses that "will include, civil works, plant and machinery and deferred revenue expenditure".

HAL's financial report for the year ending March 2018 indicates the order book of the company, which is in line with statements made by Defence Minister Nirmala Sitharaman in the Parliament last week in terms of orders already placed with HAL, and its anticipated future orders.

According to the HAL report, the order book position of the company as of March 31, 2018 was Rs 61,123 crore, which included orders for 25 final-phase production of the Su-30 MKI fighter jet for the Indian Air Force, 12 indigenous Light Combat Aircraft (LCA) with initial operation clearance, and 20 LCAs with final operation clearance for the IAF.

The order book in March 2018 also included 12 Dornier 228 aircraft for the Navy and four for the IAF; 17 Advanced Light Helicopters for the Navy, 16 for the Coast Guard, and 40 for the Army; 10 Cheetal helicopters for the IAF and six for the Army; and eight Chetak helicopters for the Navy.

# WHAT HAL HAS, WHAT IT DOESN'T HAVE



All figures in both charts are in Rupees crore. In right chart: \*Bank balance Rs 8,345 cr, cash Rs 2,803 cr; \*\*Bank balance Rs 6,432 cr, cash Rs 112 cr; \*\*\*Bank balance Rs 534 cr, cash Rs 191 cr Note: The graphs have been plotted on two different scales.

The March 2018 financial report put out by HAL also mentioned an anticipated order for 83 LCA MK1A configuration

based on an RFP "received from the (IAF on 21st December, 2017", and 15 Light Combat Helicopters on the basis of an RFP

received "from the Indian Air Force (10 Nos) and the Indian Army (5 Nos) on 22nd December, 2017".

Sitharaman had said orders worth Rs 1 lakh crore were in the pipeline for HAL, with anticipated orders to the tune of Rs 73,000 crore (83 LCAs, 15 LCHs and 200 Kamov helicopters), and existing orders for Dornier 228s, ALHs, Cheetal, Chetak helicopters and aircraft engines to the tune of Rs 26,570 crore.

Congress president Rahul Gandhi had accused Sitharaman of "lying" to Parliament about HAL's order book, posting on Twitter that she "must place before Parliament documents showing 1 Lakh crore of Govt orders to HAL. Or resign".

The financial statements of HAL also reveal that the firm was confident until mid 2014 of being awarded a contract to build 108 Rafale aircraft under licence from Dassault Aviation. The company's annual report for 2013-14 shows that HAL was gearing up to produce the French multi-role combat aircraft — negotiations for which were then at an advanced stage.

In a message dated September 27, 2014 enclosed in the company's 2013-14 annual report, the then chairman of HALR K Tyagi

stated that the "Medium Multi Role Combat Aircraft (MMRCA) is another programme which will be crucial to our achieving manufacturing excellence... World class manufacturing practices will get imbibed into our working. Your company needs to synthesise these manufacturing best practices through this programme."

HAL did not refer to the MMRCA deal in its annual report for 2014-15.

On April 10, 2015, during a visit to Paris, Prime Minister Narendra Modi announced the direct purchase of 36 Rafale aircraft in a government-to-government deal, overriding negotiations for the purchase of 126 MMRCA (18 flyaways and 108 under licensed produc-

The Opposition Congress has accused Modi and the government of favouring a new defence firm floated by businessman Anil Ambani over HAL in the Rafale deal. Ambani's company has been identified by Dassault Aviation as one of its Indian partners to whom manufacturing requirements will be farmed out under defence procurement rules that mandate ploughing of 50% of the cost of Rafale purchases — amounting to around Rs 30,000 crore — into production facilities in India.

tion at HAL).

THE INDIAN EXPRESS. THURSDAY, JANUARY 10, 2019

# THE EDITORIAL PAGE

WORDLY WISE

GUARD WELL YOUR SPARE MOMENTS. THEY ARE LIKE UNCUT DIAMONDS.

— RALPH WALDO EMERSON

# **♦** The Indian **EXPRESS**

∽ FOUNDED BY ∽

RAMNATH GOENKA

BECAUSE THE TRUTH INVOLVES US ALL

# THE ASSAM GAMBLE

BJP rashly opens a new front in the Northeast with its push for the Citizenship Amendment Bill

HE LOK SABHA passed the controversial and contentious Citizenship Amendment Bill on Wednesday. The political Opposition and several civil society groups in the Northeast responded to the introduction of the bill in Parliament by observing a bandh in the region. Irrespective of its fate in the Upper House, the proposed legislation has polarised the Northeast and triggered a process of social and political realignment. Most disquietingly, it threatens to expose the faultlines that had led to the rise of subnationalist politics in the region in the 1980s.

The BJP has been expanding its footprint in the Northeast ever since it won the 2014 general election. The party now runs governments in Assam, Manipur, Tripura and Arunachal Pradesh whereas its allies are in office in Meghalaya, Nagaland and Mizoram. However, its allies are distancing themselves from the BJP over the citizenship bill. On Wednesday, the Asom Gana Parishad, the political face of Assamese subnationalism, withdrew its ministers from the BJP-led government in Guwahati and quit the NDA. Meghalaya Chief Minister Conrad Sangma has said his party, a constituent of the NDA, is opposed to the bill. The Indigenous People's Front of Tripura (IPFT), again an ally of the BJP, supported the protests in Tripura against the bill. Mizoram Chief Minister Zoramthanga, another NDA partner, has also opposed the proposed law. The political churn reflects the fact that questions concerning ethnic and linguistic identities have underpinned politics in the region for decades. However, the subnationalist narrative in the region so far focussed on opposition to the "foreigner", and has been indifferent to religion.

The Citizenship Amendment Bill, which privileges the claims of non-Muslim migrants, has sought to twist this narrative. BJP leader Himanta Biswa Sarma has painted the spectre of Muslim separatism to build support for the bill. This is a divisive and dangerous idea, especially in Assam, where Muslims constitute over 34 per cent of the population and many Muslim outfits support secular opposition to illegal migration. The citizenship bill also complicates the NRC process since it advances the cut-off date for non-Muslims seeking Indian citizenship to 2014 from 1971, the year agreed upon in the Assam Accord. This would mean that a significant percentage of the 40 lakh people who may turn stateless once the NRC is updated will qualify for Indian citizenship, a prospect that alarms subnationalist forces in the Northeast. The BJP has sought to assuage such fears by promising extra protection to indigenous communities. The emphasis on exclusivist identities is a fraught proposition. The BJP is exposing a new faultline by proposing that religious identity be the marker of citizenship.

# BACK TO THE WALL

Trump could have used his first Oval Office address to end an impasse. But it was the familiar harangue about immigrants

HE OVAL OFFICE address is a fine American institution, which presidents have used at moments of crisis to connect directly with the people. Franklin D Roosevelt used it to explain the New Deal, and to rally the nation after the Pearl Harbour attack. His successor, Harry S Truman, spoke of the Korean War and arms control. Dwight Eisenhower established his commitment to desegregation, John F Kennedy explained the Cuban missile crisis and the Nuclear Test Ban Treaty, and Jimmy Carter spoke on the botched attempt to liberate US diplomats in Tehran. Now, Donald Trump has used the first Oval Office address of his presidency to raise bogeys like "vast quantities of illegal drugs" and "vicious coyotes and ruthless gangs" who apparently live off immigrants.

Trump did not declare a national emergency to push through funding for his wall on the southern border, which many had feared he would. But that barrier to human traffic was the centrepiece of a long harangue, as it has been to Trump's entire presidency. The immigrant as bogeyman, determined to absorb resources which should go to true Americans and to undermine the American way of life, has been Trump's most important contribution to a nation which appears to be deeply troubled. It has brought US politics to an unfamiliar low, in which the most visible debate appears to be over whether the wall should be made of concrete or steel.

Trump is a politician who lives for moments made for television and social media, and he could have used his first Oval Office to try to unite a nation that is now divided against itself, and begin a process that would allow government to function again, after being on ice for the better part of a month. But he has frittered away the opportunity by stoking fears of barbarian hordes, and taking recourse to dreary and questionable claims about his wall. He spent a lot of time blaming the Democrats for shutting down the government, though the truth is that the president is holding the people hostage, refusing to reach a compromise that would see the government back in business. His obsession with a physical barrier is delusional when migration is increasing rapidly, and brings into question America's ability to engage with an important humanitarian issue of our times.

# WORK AND PLAY

A Bill on employees' right to not respond to official communication outside work could spark a wider conversation

N HIS 1932 classic, *In Praise of Idleness*, philosopher Bertrand Russell foresaw a world in which technology would liberate human beings from working long hours. His contemporary, the economist, John Maynard Keynes, predicted a similar utopia in Economic Prospects For Our Grandchildren. "By 2030, the working week would be dfasticanteria, perdayyould be satisfied, "Wenyreto Technology goyave sahehours weel ask at work today. But with e-mails going directly to phones and cloud-connected devices enabling anyone to access a file from anywhere, work hours have extended beyond office schedules. A realisation, however, is dawning in several parts of the world that working less need not be bad for people's well-being. In moving a Private Member's Bill to give employees the right to not respond to communication from employers outside of office hours, Nationalist Congress Party MP Supriya Sule seems to have drawn on such a thought.

Introducing the Bill in the Lok Sabha last month, Sule argued that "the urge to respond to calls and e-mails, constant checking of e-mails throughout the day, even on weekends and holidays, has destroyed work-life balance of employees." Her bill asks the government to provide employees counselling, digital detox centres, and "similar resources to enable him to truly connect with the people around him".

The NCP member's bill, though limited to "digital distractions", is bound to raise questions: Can India afford the luxury of compressed work schedules? France has a law similar to the one proposed by Sule. But what would it mean for a growing economy to give more switch-off time to its workers? To these questions, there is, of course, the instrumentalist answer provided by a growing number of studies that a less-stressed employee is a more productive one. But India shouldn't be an outlier to conversations around productivity and work in several parts of the world. Most of them have striking similarities with Russell's argument that "less frayed nerves, weariness, and dyspepsia will make ordinary men and women more kindly and less inclined to view others with suspicion".

# The Trump retrenchment



It's an invitation for India to adopt a vigorous strategy in Afghanistan, do more for regional security

C Raja Mohan

IN HIS OUTBURST ridiculing the role of US friends and partners in Afghanistan last week, President Donald Trump got the history of the country and the region all wrong. The editorial board of the 'The Wall Street Journal', which generally supports Trump, called the comment "slander against allies" and said it cannot recall "a more absurd misstatement of history by an American President".

That, however, is unlikely to make an impression on the US President. For, his comments are consistent with the concerns that Trump has repeatedly articulated during his presidential campaign and ever since he occupied the White House. They can be summed up in one simple question: Why is the US fighting a war thousands of miles away when the conflict in Afghanistan has far greater consequences for its neighbours?

Talking about the Indian role, Trump had said, "I get along very well with India and Prime Minister Modi. But he is constantly telling me he built a library in Afghanistan. Library! That's, like, five hours of what we spend (in Afghanistan)". It is no surprise that Trump's gripe has drawn much outrage in India. Here again, facts are not really important to Trump's argument.

When the leader of the world's most powerful nation is afflicted by victimhood, there is not much anyone can do. The idea that other nations are "taking advantage" of America is central to Trump's worldview. That this conviction, right or wrong, is shaping foreign and security policies of the Trump Administration must necessarily be an important part of the strategic calculus of other nations, including India.

Trump's thinking on putting "America First" has two components. One is that America is wasting its blood and treasure on distant conflicts and that it must focus on rebuilding itself. The other is that America bears too much of the burden of securing the world. Trump now insists that America's friends and partners must begin to pick up a fair share of the burden.

Over the last two years, Trump has repeatedly confronted long-standing allies in Europe and Asia, like Germany and Japan, with this argument. To make matters more complicated, Trump has added a trade ditribution of security costs. The US President points to the massive trade surpluses enjoyed by US allies and asks why they are not doing enough for their own security. Trump thinks America is being had — twice over — on both trade and security. India's trade surplus might not be too

mension to his argument on the uneven dis-

large, but it nevertheless has one with the US. It stands at about \$20 billion for the first 10 months of 2018. Put that together with the fact that India is next door to Afghanistan and you can see the source of Trump's venting against India.

This is not an argument that Delhi can win by citing facts about the size of India's assistance to Afghanistan. What Delhi needs is an understanding of Trump's challenge to the long-standing tenets of US foreign policy and its consequences for our region.

Trump's criticism of allies, his call for American retrenchment from costly foreign commitments, and his challenge to economic multilateralism stand in direct opposition to the dominant consensus within the American establishment. Since the end of the Second World War, bearing the burden of global leadership, sustaining a liberal trading regime and promoting democratic values has been the tripod on which American foreign policy had rested.

Trump's unconventional arguments during the presidential campaign had alarmed the US establishment. Many, however, had hoped that he would mellow in office and veer back to the mainstream. Trump, however, has shocked the world by a decisive attempt to alter the course of America's international relations.

He pulled out of the Trans-Pacific Partnership, renegotiated the North American Free Trade Agreement with Canada and Mexico, mounted pressure on the World Trade Organisation and unleashed a tariff war with China. Washington and much of the world had thought these measures "unthinkable".

Trump also withdrew from the 2015 Paris agreement on limiting climate change, reneged on the nuclear deal with Iran, and discarded long-standing US policy by shifting the US embassy from Tel Aviv to Jerusalem. He has pressed US allies to raise their defence

expenditure or face potential downsizing of US military commitments.

That Trump is a very different American President is not in doubt. Trump's comments on Afghanistan must be seen as part of a sweeping attempt to overhaul American foreign policy. He may or may not succeed, but the effort to change the direction of US foreign policy is real.

When he took charge of the US two years ago, Trump's instinct was to pull American troops out of Afghanistan. But General HR McMaster, the national security adviser, and General James Mattis, the defence secretary, persuaded Trump not to. The president signed off on a new framework to Afghanistan and South Asia in the summer of 2017. But it was quite clear that Trump had put American policy towards Afghanistan on a short leash.

The new approach was to mount military and political pressure on the Taliban and Pakistan and give a freer hand to US military forces in Afghanistan. Quite clearly, Trump is not impressed with the results so far and his patience is wearing thin.

Whatever form the retrenchment might take, there is no question that an important phase in Afghanistan is coming to an end. The US presence in Afghanistan for the last 17 years has worked well for India. Now as the US reduces its military footprint in Afghanistan, India must cope with the turbulence that is bound to follow.

In the Middle East, American retrenchment has led to growing assertion of regional powers — including Iran, Saudi Arabia, United Arab Emirates and Turkey. Much the same is likely to happen in Afghanistan. Unlike his predecessors, who asked India to downsize its presence in Afghanistan in order to placate Pakistan, Trump is asking India to do more. That's an invitation for India to adopt a vigorous strategy in Afghanistan and take on larger responsibilities for regional security. There is no reason why India would want to turn down this invitation.

The writer is director, Institute of South Asian Studies, National University of Singapore and contributing editor on international affairs for The Indian Express



# A House In Disorder

Parliamentary disruption has become norm. This Lok Sabha mirrors the decline

CHAKSHU ROY

THE PENULTIMATE SESSION of the 16th Lok Sabha started on a sombre note. Members stood in respectful silence in memory of former prime minister Atal Bihari Vajpayee, former Speaker Somnath Chatterjee and four other sitting MPs who passed away late last year. It was one of those fleeting moments in which the House witnessed respect for the rules. The majority of the session was fraught with disruptions. The regular disruption of parliamentary proceedings and inadequate debates on bills are the two things that have stood out in this winter session and during the term of this Lok Sabha. Forty-three bills were on the Parliament's legislative agenda for discussion and passing over 20 days of the session. But unplanned leaves (three days) and clockwork disruptions left the Parliament with little time to deliberate.

Disruption of parliamentary proceedings is not a new phenomenon. MPs have disrupted House proceedings from the early days of Parliament. But disruption which was an exception earlier, seems to have become the new normal. In the last decade, MPs have raised slogans, snatched papers from ministers and used pepper spray in the House. During this session, both houses witnessed coordinated sloganeering and display of placards. In the Lok Sabha, MPs threw paper planes and a protesting MP, dressed in costume as a former chief minister, and played music to disrupt the house. During the ses-

Disruption of parliamentary proceedings is not a new phenomenon. MPs have disrupted house proceedings from the early days of Parliament. But disruption which was an exception earlier, seems to have become the new normal in our parliamentary functioning.

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democratic values has been

his call for American

sion, Lok Sabha lost about 60 per cent and Rajya Sabha about 80 per cent of its scheduled time. However, what was different during this session was the firmness of the presiding officers. Disrupting MPs were warned by the Chair and then suspended from the proceedings of Parliament. The presiding officers of both Houses also initiated steps to change the rules of procedure of the Parliament to better deal with disruptions.

Former president K R Narayanan, who also chaired Rajya Sabha from 1992-97, explained the difficulty involved in dealing with disruptions. He said, "In most cases, disorders in the House arise out of a sense of frustration felt by members due to lack of opportunities to make his point, or clear his chest of grievances of the people that move him or out of the heat of the moment. They are perhaps easier to deal with. What is more difficult to tackle is planned parliamentary offences and deliberate disturbances for publicity or for political motives."

Disruptions also derailed the legislative agenda. Of the 10 Bills passed by Lok Sabha till January 7, nine were discussed for less than an hour-and-a-half. These included bills like Consumer Protection, Surrogacy Regulation and Transgender Rights Bill. The Triple Talaq Bill was discussed for approximately five hours. Many bills were debated while disruptions continued to take place inside the House, and a few were passed in the

din. In the Rajya Sabha, disruptions leading to adjournment resulted in only one bill being passed by it till January 8. The problem of inadequate legislative deliberation was compounded in the session by non-reference of bills to parliamentary committees for detailed scrutiny. Of the 11 bills introduced in the session till the January 7, only one bill so far has been referred to a parliamentary committee. In the 16th Lok Sabha, fewer Bills (26 per cent) are being referred to Parliamentary Committees as compared to the 15th Lok Sabha (71 per cent) and the 14th Lok Sabha (60 per cent). Disruptions also did not leave any time for discussions on any national issues in the Parliament. Other than debate on legislation, the only other debate in the session was on the Rafael defence deal for ap-

proximately six hours. Parliamentary debates are recorded for posterity. They offer an insight into the thinking of our elected representatives. Disruptions ensured that no such insights are available to future generations. An inscription on top of the gate of the inner lobby of the Lok Sabha reads: "Truth has been said to be the highest duty." When we look at the work done by the Parliament in this session and during the 16th Lok Sabha, our MPs might have fallen short of their constitutional duty.

> The writer is head of outreach PRS Legislative Research



# ANUARY 10, 1979, FORTY YEARS AGO

**EMERGENCY COURTS** HAVING MISSED THE winter session of Parliament, the Union government decided to introduce in the Budget session a bill to set up special courts for trying Mrs Indira Gandhi and others for Emergency crimes. The Budget session is likely to commence on February 19 before the presentation of the Budget on February 28. Normally in the Budget session, bills are taken up towards April-end or early May, after the Lok Sabha has passed the government's financial proposals. It is not certain as to when exactly the government will introduce the bill on special courts in the Lok Sabha during the Budget session. The Cabinet has, however,

taken into account the possibility of the bill getting defeated in the Rajya Sabha, where the ruling party does not command a ma-

# US POLICY ON IRAN

THE UNITED STATES Ambassador to Iran, William Sullivan, has now been instructed to say "yes" if the Shah asks him whether he thinks it would be a good idea if the Shah were to leave Iran temporarily. These instructions, The New York Times noted, "in effect marked a turning point for the Carter administration, which for many weeks had resisted suggestions that it urge the Shah to go. If he leaves, officials acknowledge, it may be very difficult for him to return". Until a few days ago, a White House aide was insisting that US was "prepared to go up in flames" with the Shah. Such melodrama, however, impressed none. The American embassy in Teheran continued to advise Washington that it was difficult to see how the situation could stabilise unless the Shah left.

## FISHERS MISSING

OVER 180 COUNTRY fishing boats carrying about 1,200 persons put out to sea from Thiruvananthapuram have been reported missing. Fisheries and port authorities have been alerted. It is said there was a hurricane in the Arabian sea.

# 5 THE IDEAS PAGE

#### WHAT THE OTHERS SAY

BIBEK DEBROY

A HALF-EMPTY glass versus a half-full glass

— that's a clichéd expression. Typically, where is the glass located, when you glance

at it? More often than not, it is on a table of

some sort, below your line of vision.

Therefore, your eye focuses on the empty

bit. I wonder how we would react if the

glass is placed above our line of vision, so

that we look at it from the bottom, rather than the top. This strikes me as an apt anal-

complain and lament about cabbages and

kings. This is the time of the year when as-

sorted diaries surface. Increasingly, people don't use such diaries, but old habits die

hard. There is a beautiful diary (and an ac-

companying calendar) brought out by the

Ministry of Drinking Water and Sanitation,

with a focus on the Swachh Bharat Mission

(SBM), especially on its gramin (rural) part.

SBM was started on October 2 2014. A little

bit about SBM's dashboard first. Since October 2014. 91.5 million toilets have been

constructed and 154.3 million rural house-

holds have toilets now. Goa and Odisha,

however still lag behind. Barring these two

states, IHHL (individual household latrine

application) coverage in all states is in ex-

cess of 95 per cent (Telangana is margin-

ally less). By October 2019, coverage should

be universal. So what? Toilets have been

built. However, households don't use them.

However, that's not what the 2017-18

National Annual Rural Sanitation Survey

tell us. Conducted independently by the

World Bank, the survey found that 77 per

cent of households (between November

2017 and March 2018) had access to toilets

(not the same as possessing individual

household toilets) and 93.4 per cent of peo-

ple who had access to toilets used them.

There is some emptiness, but it is a sliver.

5,840 blocks, 244,687 gram panchayats and

541,433 villages are open defecation free

(ODF). ODF coverage is still low in Goa,

Odisha, Bihar, Telangana and Tripura but

there is time till October 2019. A declara-

tion means nothing. Shouldn't there be

some verification? Precisely. Out of the

541,433 villages declared as ODF, 438,342

have been verified to be ODF. What hap-

pens if they slip back thereafter? There can

be a two part answer. First, that the 2017-18

survey again shows only a sliver of empti-

ness — 95.6 per cent villages declared and

verified as ODF continued to remain ODF.

There is some slippage, but not as much as

one might have thought. Second, behav-

ioural change confronts the bane of iner-

tia, reminding us of Newton's Second Law

of Motion. We do need an externally im-

posed force to change the state. That might

be through films like Toilet, Halkaa or

Gutrun Gutargun. Or that change might

Five hundred and eighty four districts,

An acquaintance had dropped in, to

ogy because of a recent incident.

"The Saudi regime locks up and tortures campaigners who advocate reforms it agrees with. This needs to stop."

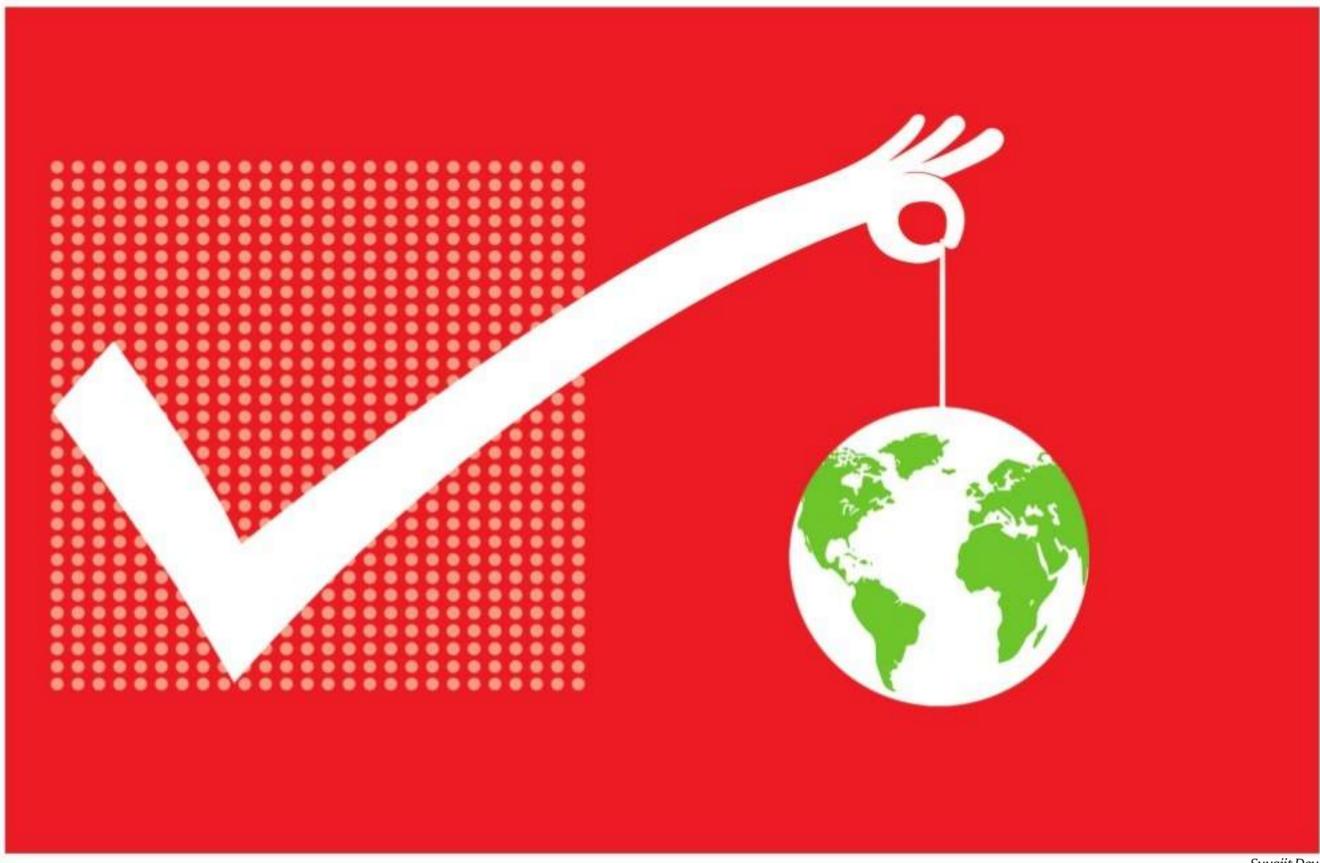
Silent revolution

in the countryside

Latest data shows that the Swachh Bharat Mission

has initiated a behavioural change in most

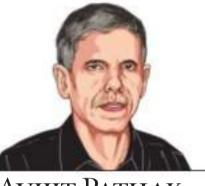
— THE GUARDIAN



Suvajit Dey

# Why MCQ isn't an option

Multiple Choice Question format forces rigid standardisation, creates illusion that knowledge can be objective



AVIJIT PATHAK

THE GROWING LEGITIMISATION of the MCQ (Multiple Choice Question) pattern of exams for all sorts of entrance tests, particularly in the field of liberal arts and social sciences, indicates the poverty of pedagogic imagination that seems to have inflicted a team of technomanagers and academic bureaucrats. Even though all sorts of justifications — ranging from technological convenience, and instant process of selection and elimination, to "value-neutral" evaluation free from human subjectivities — are put forward in its defence; and, even though universities like JNU and DU fail to resist the temptations of these arguments, the fact is that it causes great damage to what really matters in humanities and social sciences: Reflexivity, creativity and an interpretative art of understanding.

To begin with, it is important to reflect on the common mistake that academic bureaucrats — often guided by some sort of "engineering" mindset — make. First, they think that all disciplines, be it English literature or mathematics, can be seen on the same scale. This love for mindless standardisation makes them think that even sociology or philosophy can be reduced into a set of "objective" postulates, or "puzzles" with only one "correct" answer. Second, they tend to see knowledge as the acquisition of mere "facts" (or, to put it more bluntly, "quiz contest" material — who said what, who invented what, and who wrote what), free from "ideological" aberrations or "subjective" prejudices. And third, with the hallucination of "mathematical precision", they feel that creative articulation is dangerous or equivalent to

madness because everything has to be fitted into the standardised/dominant formula or theorem. Hence, to take an illustration, Marx cannot be seen beyond "historical materialism" and "economic determinism"; or, for that matter, even Munshi Premchand's Godan has to be reduced to a set of "objective" bullet points.

It is in this context that I wish to argue

that we must abandon the idea of "objectiv-

ity" in humanities and social sciences (possibly, except mathematical economics, demography or areas filled with quantitative techniques). Well, there are solid facts — say, Max Weber wrote The Protestant Ethic and the Spirit of Capitalism, Michel Foucault reflected on Bentham's Panopticon in his Discipline and Punish, Rabindranath Tagore portrayed the character of Anandamayee in his novel Gora, and Mohandas Karamchand Gandhi moved around Noakhali in 1946 to combat communal violence. But then, understanding sociology, literature or history doesn't mean merely memorising and repeating these facts like a parrot. What really matters is to go deeper, and interpret the arguments and philosophic propositions these authors developed in their works. This means the willingness to accept that there is no singular truth, and there are many readings of the same text. For instance, two young students can come forward with two different interpretations of Gandhi's Hind Swaraj: Gandhi, a revolutionary who could see the discontents of a civilisation based on the manufactured "needs" and resultant greed; and Gandhi, a conservative priest refusing to come to terms with the inevitability of historical progress. No, it is not like 2+2+=4; there is no "correct answer"; there are only multiple possibilities subject to a culture of debate. What is, therefore, important, is the rigour/sincerity/creativity in the art of interpretation. To deny it is to kill the soul of liberal arts and social sciences.

We have already done severe damage to the culture of learning. The fetish of 99 per cent marks in the board exams is killing the creative faculty of schoolchildren. With rote

our agency. Even for selecting M.Phil/Ph.D candidates we have been asked to rely on the MCQ pattern of entrance test. We have already done severe damage to the culture of learning. The fetish of 99 per

is the best judge as it has no "politics". Eventually, we would further deteriorate the status of the liberal arts and social sciences. We would destroy thinking and creative imagination. We would manufacture one-dimensional consciousness — a mind incapable of living with plurality, ambiguities and unresolved paradoxes. Is it what the system needs? Is it a conspiracy against emancipatory education? After all, our obsessive craze for objectivity, "certainty" and "homogeneity" would orient us to consume the products of the culture industry and feel "happy", to accept the monologue of the authoritarian regime as the ultimate truth, and see ourselves as just loyal employees of gi-

learning, they have mastered the technique of reducing everything into a set of bullet points depending on the marks allotted to a question. And then, coaching centres, guide books and all sorts of success mantras have killed even the slightest trace of joy and experimentation in the experience of learning. No wonder, we produce technologists — politically illiterate and culturally impoverished. The exams, like the National Eligibility Test and the UPSC Prelims, have further trivialised higher education. Sociology or history, it seems, has been imprisoned. It is sad to see a young aspirant — tired and disenchanted, only trying to recall "facts" like the date of the Gandhi-Irwin Pact, or the year of publication of Professor Andre Beteille's Caste, Class and Power. And now, as teachers, we too have lost

Hence, as teachers we are not supposed to think or evolve our unique modes of selection and evaluation. We will only formulate "objective" questions, and specialise ourselves in generating an MCQ bank. And we would be asked to believe that it is a good thing because we are now free from the task of evaluating entrance test copies with all sorts of "subjective" answers. The computer

gantic corporations.

The writer is professor of sociology at INU

#### parts of the country. It seems irreversible come from swachhagrahis. The diary has 12 lovely cartoons. One of these is on swachhagrahis. The diary tells us "swachhagrahis are the foot soldiers of the Swachh Bharat Mission. Over the last four years, a cadre of 500,000 swachhagrahis has been created who have triggered lakhs of villages to become ODF." My acquaintance hadn't heard of swachhagrahis until he flipped through the diary on my table. He was so engrossed in lamenting about interest/exchange rates, ships and sealing wax that he

had failed to notice a silent revolution

sweeping through rural India.

Let me quote from the July 2018 circular on revised guidelines for swachhagrahis. "As you are aware, Swachh Bharat Mission (Gramin)[SBM(G)] emphasises on intense behaviour change campaigns including inter-personal communication for achieving sustainable sanitation outcomes. Swachhagrahis are the foot soldiers of the SBM (G) and the motivators for bringing about behaviour change with respect to key sanitation practices in rural areas. Role of swachhagrahis is one of the key factors in achieving the ODF status and sustaining it through post ODF activities. A swachhagrahi is a volunteer who can come from any background, including a local ASHA worker, ANM, anganwadi worker, and staff, water line man, pump operator, member of NCO/CSOs, youth organisations or from the general public living in villages." Beyond the obvious, there are several things swachhagrahis do - geo-tagging toilets, verifying household behaviour, converting old toilets and retro-fitting them, engaging in

I am also struck by the swachhagraha movement in schools and swachhagrah preraks (teachers). This is an Adami Foundation initiative in 5,337 schools in 80 cities. (You should read up the case studies.)

other forms of cleanliness.

All this has a bearing on Sustainable Development Goal 6.2: "By 2030, achieve access to adequate and equitable sanitation and hygiene for all, and end open defecation, paying special attention to the needs of women and girls and those in vulnerable situations." There are references to India where open defecation figures prominently and many households are mentioned as not having access to toilets. For instance, World Bank reports for 2015 note that 40 per cent of the Indian population resorts to open defecation. This is an official World Bank figure. And, a December 2018 paper, co-authored by World Bank researchers states, "A staggering 48 per cent of Indians continue to defecate in the open despite large?scale efforts from the government to raise awareness about the harmful aspects of open defecation and subsidise latrine construction, and growing latrine ownership. This is a formidable challenge since almost 70 per cent of rural Indian households currently do not have access to improved sanitation facilities." The reason for apparently contradictory numbers is obvious — cross-country data quoted is often for 2015. However, the level of the table has been raised up. We can look at the glass from below and not from

The writer is chairman, Economic Advisory Council to the PM. Views are personal

the top.

# Remembering Archana

She became victim to a horrifying sub-culture — 'celebratory fire'

NARAYANI GUPTA

WEDNESDAY JANUARY 2, 2019. One has, over the past few years, become inured to headlines tabling accidental or premeditated deaths. And I would not have registered the Indian Express' piece on the first page — Archana Gupta is a common enough name had there not been a more detailed account on page five, with a photograph of a smiling young woman. Suddenly, the photograph came alive, and it was September 12, 2017, inside the seminar-room of Jamia Millia's history department, where the Landscape Foundation's Delhi Nature Map had been launched, and Archana came up and greeted me.

Over the years, I met Archana briefly in different contexts. She is described as a partner in a "multi-disciplinary design office" but she also gave time to teaching. At the School of Architecture in Delhi, when she was member of a jury, I recognised her voice and her clear, totally focused comments, before I recognised her by her appearance.

Which took me back to the TVB School of Habitat Studies, Delhi, in the 1990s, with its bright and eager students who gamely participated in long discussions on urban history and the history of architecture. Archana was quiet and thoughtful, very well-read and insightful. On the days I had lectures, we used to meet at the bus stop where a college van picked us up. It was a half-hour journey, and we chatted about the places we passed through. She had spent her childhood in the Caribbean. The comparatively short period she had spent in Delhi perhaps made her quicker to pick up details than those of us who have lived here for longer who take things for granted. She was one of the few who got increasingly interested in deciphering layers of history, and conducted heritage walks for the Conservation Society of Delhi. She made forays into the historic urban village of Chirag Dilli, had long discussions with the village inhabitants, and decided to make that the theme for her dissertation. My

daughter recalls Archana pausing under the giant banyan tree by the pond outside the Chirag Dilli walls, saying with a smile, "I like this place. I like to imagine the villagers gathering in the shade of this tree centuries ago".

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This sensitivity came through in her writing, when she edited the CSD's newsletter Prahari. Twenty years later, it came through in Celebrating Public Spaces of India, a book she co-authored with Anshuman Gupta in 2017.

This is a book that all young people, not just potential historians, architects and planners, should read. It explains, persuades, and urges active intervention. "It is after all about time that we attempt to reappropriate our culture and attitude towards public/open spaces — recognise them for their inherent worth, relook at them in a contemporary framework. and celebrate them for the immense socio-cultural value they add to the fabric of the city and the lives of citydwellers". The Archana who wrote this has

become a victim of a horrifying dimension of India's urban culture, where "celebratory fire" is an accepted part of revelry, where the most common adjective for politicians is that they are "powerful", a power that allows them to be embarrassingly inebriated and to flash weapons of death among party guests, before making a coward's exit. A life with so much potential to be cut short, thus?

It is not enough to mourn. Archana has to be remembered not only through what she did, but by addressing this malaise in uppermiddle class society. It is time to jolt ourselves out of our inertia — to stop equating guns with fire-crackers, to not treat inebriation as a way of public celebration, to understand the finality of serious injury and death. It would be wonderful if this could be made the immediate agenda of the Foundation of Indian Cities, of which Archana and Anshuman are founders.

The writer is a historian of Delhi

# LETTERS TO THE EDITOR

## DETENTION PROS

failure' (IE, January 9). The saying goes that the easiest way to achieve success is to lower the bar. This is exactly what the No Detention Policy (NDP) did. Since the time the NDP was introduced, it has adversely affected the "will to learn" among students, while absolving teachers of any accountability in the want of any "pass/fail criterion". In order to ensure a fall in dropout rates, no detention was an easy way out, but quality education became a casualty of this path. We have to prepare our children for the competitive life ahead, not make them live in a cocooned world, away from its harsh realities. Scrapping the NDP is a step in the right direction.

THIS REFERS TO the editorial, 'System

Vijai Pant, Hempur.

# QUEUE FOR QUOTA

THIS REFERS TO the article, 'Slipping on quota' (IE, January 9). One wonders whether the government works towards the welfare of people or indulges in such acts just to gain office. Reservation is a policy that is designed to redress past discrimination against the lower castes and minority groups, through measures that aim to improve the economic and educational opportunities these groups can avail of. History can show how populist moves before the elections don't serve any purpose.

Ajay Corriea, Vasai

### LETTER OF THE WEEK AWARD

To encourage quality reader intervention, The Indian **Express offers the Letter of** the Week award. The letter adjudged the best for the week is published every Saturday. Letters may be e-mailed to editpage@expressindia.com

or sent to The Indian Express, B-1/B, Sector 10, Noida-UP 201301. Letter writers should mention their postal

address and phone number. THE WINNER RECEIVES **SELECT EXPRESS** 

**PUBLICATIONS** 

## NOT A PUPPET

IT REFERS TO the editorial "The shield" (IE, January 9). When the CBI, the premier investigating agency of the country, is known as a mere puppet in the hands of the ruling political party, such decisions by apex court can go a long way in restoring the lost pride of the institution. There is no doubt it is a huge setback for the Modi government.

Bal Govind, Noida