

ACROSS THE AISLE



P CHIDAMBARAM

Is it the intention of the government to vastly expand the government at all levels — central, state, municipal, panchayat, parastatal and public sector? The number of employees in central public sector enterprises actually declined from 16,90,741 in end March 2014 to 15,23,586 in end March 2017. The government's bluff will be called if another slice of the cake will be reserved even while the size of the cake remained the same

Nearly all Indians are poor

PRINCIPLE ACCEPTED

Now, on the merits of the Bill. The Statement of Objects and Reasons attached to the Bill states that 'the economically weaker sections of citizens have largely remained excluded from attending the higher educational institutions and public employment on account of their financial incapacity to compete with the persons who are economically more privileged'. No political party opposed the principle behind the Bill. (The Congress had promised reservation for economically weaker sections in its manifesto for the Lok Sabha elections of 2014.)

The widespread opposition to the Bill is, therefore, not on principle but on account of other reasons that are weighty and relevant, including:

1. If reservation for economically weaker sections was not a priority during the last four years and seven months (while the triple talaq Bill was), why has it become high priority barely 60 days before the notification of the Lok Sabha elections?

2. The proposed clauses (6)(a) and (b) of Article 15 are a cut and paste of the existing clauses (4) and (5) of the same Article — with one important change. While Article 15(5) required the special provisions (meaning reservation) to be made **by law**, the new clause has omitted the words 'by law' and will enable the government to provide for reservation in schools and colleges by executive orders.

3. The proposed clause (5) of Article 16 is also a cut and paste of the existing clause (4) of the same Article — with one important change. Article 16(4) allowed reservation only for any backward class of citizens which **is not adequately represented in the services**. The new clause has omitted the highlighted words.

LEGALLY & ETHICALLY SUSPECT

4. As the law declared by the Supreme Court stands today, reservation in posts is not permissible unless the class is not adequately represented; nor is reservation permissible on the sole criterion of economic backwardness. Of course, those judgments were delivered according to the Constitution before the present Amendment. The government must have been advised that those judgments can be overcome if the Constitution was amended. The supporters of the principle of the Bill have demanded — to no avail — the legal opinion received by the government in order to satisfy themselves that they are not partners in a legal misadventure.

5. The most substantive criticism is about the criterion to determine who is poor. On January 8, all newspapers and TV channels carried an identical criterion (obviously based on a briefing by the government). A person belonging to a family with a gross annual income of Rs 8 lakh is defined as 'poor', with certain exclusions. The Opposition demanded

the data based on which the government had arrived at a cap of Rs 8 lakh, but it was not forthcoming. Data in the public domain indicates that nearly 95 per cent of the population (125 crore) will be eligible — and very few of them will fall under the 'exclusions'. If nearly everyone is 'poor' under the Amendment, the sufferers will be the 'poorest of the poor' for whom the Amendment is intended! Unless 'poor' is defined narrowly so that it will include only the 20 per cent of the population at the bottom rungs of the economic ladder, the new provision will be suspect — legally and ethically.

6. The big question mark is about the supply side. More seats in schools and colleges can be sanctioned by the government without regard to the paucity of infrastructure or qualified teachers. But, in the case of posts in the government, where are the posts? Is it the intention of the government to vastly expand the government at all levels — central, state, municipal, panchayat, parastatal and public sector? The number of employees in central public sector enterprises actually declined from 16,90,741 in end March 2014 to 15,23,586 in end March 2017. The government's bluff will be called if another slice of the cake will be reserved even while the size of the cake remained the same.

The Bill appears to be not for reservation but for self-preservation.

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FIFTH COLUMN



TAVLEEN SINGH

The wrong constitutional amendment

A CONVERSATION I had with Sanskrit students at Banaras Hindu University in 2014 came back to me as I listened to last week's quota debate in Parliament. It took place just before Narendra Modi announced that he would be contesting from Banaras. The election campaign had begun and ripples of the Modi wave floated into the dusty corridors of the University's Sanskrit department. It was in one of these corridors, amid a pile of broken desks and chairs, that I talked to these students. They were all Brahmin and the one thing they were certain Modi would do if he became prime minister was end reservations. "It's time for all reservations to go," they said, "because it is almost impossible to get admission in a university unless you fall into a reserved category."

While listening to the debate in both Houses of Parliament, I waited for some MP to have the courage to say this. I waited for at least one person to say that if there was going to be a constitutional amendment, it should be to end all reservations altogether. When Scheduled Castes and Tribes were put into the reserved category by those who wrote our Constitution, it was to correct a historical wrong. Seventy years later, if this has not been corrected, then this provision has not worked.

Young Indians do not need more reservations. They need more colleges and universities. The shortage is so grave, it is almost an emergency. Indian students are often forced to go to foreign universities because the admission standards in most good colleges are impossible to meet. So it is no surprise that official figures for 2017 record 5.53 lakh Indian students studying in foreign universities. Ten years ago, when Kapil Sibal was Minister of Human Resource Development, he said in an interview for this column that India needed 1,500 new universities. I am certain that nowhere near this number have been built because the total number of universities today is just 819.

Thousands of new private universities may have been built if higher education was not controlled by a licence raj. The job of officials should be to regulate standards. In fact they have the powers to control everything. They decide fees, salaries and courses. They use their enormous powers for patronage and profit. When Smriti Irani was Minister of Human Resource Development, I went to see her and suggested that as a first reform she should abolish the University Grants Commission and as a second she should get rid of the utterly useless Right to Education law. I do not think she listened to a word. She was obsessed at the time with ridding Delhi University of a man she considered a 'rogue' vice-chancellor.

Education seemed not to be a priority for Modi either. Or he could have used his brute majority in the Lok Sabha to give India a new education policy that ended the licence raj and reservations. Now, with less than a hundred days left till the general elections, we will have to wait for a new prime minister to make the urgent changes that are so desperately needed.

Now let's talk about jobs. The constitutional amendment technically reserves 10 per cent of government jobs for those who come from economically weak families. But, where are the jobs? Last year the Railways announced 90,000 new jobs and got more than 2.8 crore applicants. When the government of Uttar Pradesh announced 62 peon jobs, they got 93,000 applicants, including 50,000 graduates and 3,740 who had PhDs.

If the dream of every young Indian remains a government job it is not just because it offers permanency and perks. It is also because despite, or perhaps because of, the licence raj, most students who graduate from government colleges and universities are unemployable elsewhere. I have met students who have studied in English-medium colleges who cannot speak a straight sentence in English. It is not just their linguistic skills that are weak but their other skills as well because standards are so low. So even if there are jobs that are available in the private sector, the problem is that those who apply are in fact unemployable.

This is not a problem that has been created in the past four years. Although listening to Congress party spokesmen these days leaves you feeling that everything that has gone wrong in India has happened only since Modi became Prime Minister. It is a problem that has worsened over decades. What is sad is that Modi did not realise that he could use his massive majority to give India a whole new education system. This column has often said that the solution to many of India's problems is ending the licence raj in education. It has in my view been more destructive than that other licence raj.

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INSIDE TRACK



COOMI KAPOOR

IDES OF JAN

The Thackeray family has a busy schedule this month. On January 25, Sanjay Raut's film on Bal Thackeray is to be released with Nawazuddin Siddiqui playing the lead. Mumbai theatre owners have been informally told that no other film should be released that weekend. On January 27, Amit Thackeray, son of Balasaheb's nephew Raj, is getting married. Politicians across party lines have been invited, including feuding cousin Uddhav Thackeray and the BJP's Nitin Gadkari, but not Prime Minister Narendra Modi. Within the same month, Uddhav has to decide whether the Sena will continue with the BJP. Uddhav is playing hardball and insists that there is to be an alliance for the Lok Sabha polls, an agreement should first be reached for the Assembly. Most Sena MPs are keen that the tie-up remains, since their seats are at stake. But Amit Shah made the possibility of a meeting ground even more difficult with his tough talk in Latur, threatening that allies who leave the NDA will be uprooted.

HIGH TABLE, HIGH TALK

The mood was buoyant at the dinner hosted by Sonia Gandhi for party MPs at the end of the current Parliament session. Surprisingly, at the head table, the conversation was not about the 2019 elections or the party's recent poll victories. The conversation took a philosophical and religious turn when Rahul Gandhi compared Shaivism to Taoism and the talk veered on to Buddhism, Jainism, the Adi Shankaracharya and the difference between Gandhi's and Buddha's non-violent movements. Shashi Tharoor was in his elements with Anand Sharma and Kumar Ketkar joining in the discussion. Sonia Gandhi, Manmohan Singh and Mallikarjun Kharge mostly listened in silence.

SHORTFALL OF 100

Long before polls have been announced, Delhi's armchair analysts have already pronounced their verdict. The question in Lutyens drawing rooms these days is whether it is possible for Narendra Modi to reach the halfway mark of 272, since it looks like the BJP will lose at least 90 seats it won in the last elections. The calculation is that in UP if 2014 figures are taken as the

OUT OF MY MIND



MEGHNAD DESAI

THE INDIAN Parliament holds constant surprises for me. It works not at all or at infinite speed. In 10 days of the new year, it has discussed triple talaq, citizenship [Citizenship (Amendment) Bill, 2016] and the quota for the economically weak among the general category. Any one of those Bills would take several days in Westminster. We have Second Reading followed by Committee stage followed by Report and then a Third Reading. One

benchmark, the SP and BSP vote share combined would give the two parties 41 seats and the BJP would be left with well under 40. In the light of the recent Assembly results, the BJP is also expected to lose some 30 seats in the Hindi heartland and 20 elsewhere in the country. It is difficult to make up the shortfall from the rest of India. Amit Shah may be hopeful of better results in the East, but most of the remaining constituencies are in the South.

SEAT ADJUSTMENT

Manmohan Singh's Rajya Sabha membership from Assam ends on June 14 and Sonia Gandhi is keen that the former PM continues to represent the party in Parliament. Since a re-election from Assam is impossible, it has been suggested that Ambika Soni should resign her Rajya Sabha seat from Punjab, of which three years remain, to accommodate Singh. In return, Soni has been promised that she can be the Congress's Lok Sabha candidate from Anandpur Sahib, where she is assured of victory. Soni is reportedly not enthused by the idea. At 76, she wants a break from the rough and tumble of the campaign trail.

SAME BIRTHDAY

Akhilesh Yadav once addressed Mayawati as 'bua' (aunt) and made fun of her extravagant birthday parties. The BSP leader, in turn, dismissively referred to Mulayam Singh's son as "babua" (little boy)". But now that the two have sealed an alliance in Uttar Pradesh, they treat each other with new-found respect. Bua immediately expressed solidarity with babua, when the CBI decided to probe Akhilesh in an old mining scandal. She pointed out that the CBI had foisted the Taj corridor case on her. The two share more in common than just an alliance and the CBI cases — the birthday of both Mayawati and Akhilesh's wife Dimple is on January 15. Will the former feuding families, now political friends, celebrate their birthdays together this year?

MAVERICK'S SALUTE

Jay Panda sees himself as a politician with one foot in Lutyens Delhi and one in real India. He has titled his just released book *Lutyens' Maverick*. Panda marches to his own tune and when he quit Naveen Patnaik's BJD last year, he also resigned his Lok Sabha seat. Present at his book launch were his former parliamentary colleagues from most parties, including the BJP, Congress, AAP, SP and NCP. But there was not a soul from the BJD. Sanjaya Baru, who also fell out with his former boss Manmohan Singh after authoring *The Accidental Prime Minister*, tweeted, 'Lutyens maverick salutes another such maverick'.

A promise to renew

GAINED IN TRANSLATION



BENJAMIN ബെനയാമിൻ

FOR SOMEONE who has lived as an expatriate in Gulf countries, the term 'renewal' is a synonym for nightmare. It evokes memories of a visa renewal or a work permit. For an outsider, it may seem a mere bureaucratic procedure, but for the insider, it is certainly a different experience. It is on the strength of that term that an expat's labour is valued, he is blackmailed to work and his future is determined. It is mental torture that begins a year before the visa, work permit expires.

Contracts for the company are dwindling, the management has already sought to lay off a few employees, it is not sure if the same remuneration can be provided in the next contract, the owner has instructed to retain only the best employees, you will be reconsidered if you perform well — such threats and enticements mark a year of tension.

During my 21 years as an NRI in the Gulf, renewal was my biggest nightmare too. I have always remained servile to renew. I believe that if we fail to renew and adapt to new technologies and techniques, we will lag behind. Although it is impossible to have the energy and enthusiasm of one's youth, I try to update myself as much as possible. From the beginning of my writing days, I recognised the computer as a writing tool. I have always ridiculed the idea that creativity is something that gets generated only when pen meets paper.

Also, I am interested in communicating with people and my readers on social media. I am not a writer who creates his work within a closed enclosure. Mass communication media such as Orkut, Facebook, Twitter and Google chat have found its way into my novels.

It is a huge challenge to find topics and mould them to meet the requirement of contemporary times. In this era of digital media, what is the need for reading fiction was a question that came up during that period.

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Illustration: Suvajit Dey

events, symbols of time and depiction of society, our generation has brought reading back into society. By interlinking real people and imaginary characters, by correlating real places with fictional places and by synthesising myths with history, we used fictional realism to keep readers enthralled.

The entry of technology and social media has created a situation where everyone is a writer. The characteristics of the period of oral communication could be witnessed in social media. A story told by someone is passed to another person after adding our imagination and mischievous thoughts into it. That person inserts his own imaginations and tries to expand the story. Somewhere in between, the name of the real author disappears.

While realising that even epics such as the Mahabharata were the result of such a storytelling tradition, we get to know the seamless possibilities of the same. In such a situation, a writer can survive only by developing a unique literary style which is hard to imitate and which is in tune with the new era.

Similarly, the emoji has brought a revolution into writing. Acute feelings which would have been difficult to express in words are effectively communicated through emojis. The language developed by human beings to communicate emotions and thoughts has been rendered insignificant by these symbols. Since simplicity is the way of the world, it is not a

far cry that humans are going to leave the language and hug the emojis. It is imperative for writers to deal with such a situation and overcome it.

Translations into new languages, new awards etc are bringing new readers to writers. Crucial to the writer's evolution is the need to self-inspect and analyse whether the works are acceptable to her/his new readers. It could be said in the writer's defence that she doesn't address anyone in particular, but close analysis says otherwise. All writers are targeting an invisible section of the population either intentionally or unintentionally. A writer creates his work by keeping in mind the level of knowledge and intelligence of the reader. Addressing only a particular vernacular section of the population is a limitation that every writer faces. Whether they call themselves Indian or international writers, it is evident that their creations fail to communicate to intercultural sections. The writer needs to make an effort to overcome this issue.

Such an effort will definitely be there in my forthcoming works. This is possible only through the renewal of thoughts.

This New Year, that will be the 'renewal' I seek.

Benjamin is a Malayalam writer best known for his novels Adujeevitham (Goat Days) and Mullappo Niramulla Pakaluka (Jasmine Days). Translated by Devanarayana Prasad

Full speed

Chamber cannot begin discussion till another has done its various stages. Of course, we can accommodate such luxury of time because we seldom have shutdown of debates.

That said, the new surprise strategy of Prime Minister Narendra Modi and BJP president Amit Shah for the election is now becoming clearer. There has obviously been a lot of thinking in the BJP on this within the short time since the results of state elections last month. Many people had said that if the BJP finds itself on the back foot, it will unleash the Mandir agenda. The Prime Minister knocked that idea firmly on the head. The Supreme Court has indicated that it does not intend to be hurried. It can wait till it gets the right bench. The govern-

ment will have to keep the gathering at the Kumbh Mela from losing its cool and launching a Mandir movement illegally. Kalyan Singh failed those many years ago in keeping the Parivar mob from destroying the Babri Masjid. Yogi Adityanath will have to be tougher. An illegal attempt to rush the building of the temple by the Parivar will do untold damage to the BJP. The hardcore may be pleased but urban metropolitan voters will not hesitate to show their displeasure. They do not like illegal acts, especially if they are preventable by the powers that be.

There has been dissatisfaction among the upper caste voters since the government rushed the amendment to the Scheduled Castes and Tribes (Prevention of Atrocities) Act following the Supreme

Court judgment. The new quota Bill (124th Constitution Amendment Bill) is no doubt for regaining that lost ground. Narendra Modi has shown that he is a master of the political game. The Bill has now passed both Houses, which is a major achievement, not just as an election gambit but in a way plugging a gap which had serious implications. However, it exposes flaws in the present structure.

The irony of this final plank in the reservation architecture is that it points to the right way in which the structure should have been built. Instead of Mandal Commission's recommendation of using *jati* status as the criterion for affirmative action, it should have been economic deprivation. By choos-

ing *jati* status, Mandal solidified the caste structure and made low ritual status an heirloom to be prized and flaunted rather than abolished. The problem of the creamy layer shows that even in the case of SC/STs, there are anomalies in using ritual status rather than income as a criterion.

It is too late for any political party to propose a new set of criteria to provide reservations. We are stuck with the conservative structure we have built. The latest quota completes it. Perhaps in a distant future, after decades of sustained high growth rate of income and employment, Indians may not hanker after reservations for government jobs. Any revolution to create a society free of caste inequalities will have to wait.