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RAMNATH GOENKA

BECAUSE THE TRUTH INVOLVES US ALL

The fire in Assam

Many view the citizenship amendment bill as a betrayal of BJP's poll promise



SANJIB BARUAH

PEOPLE IN MANY parts of Northeast India, especially Assam, have spoken loudly against the citizenship amendment bill through widespread public protests. But there is strong support for the bill in certain Bengali-speaking clusters — notably the state of Tripura and the Barak Valley of Assam. These are areas with large numbers of people directly impacted by the partitioned geography of Sylhet, including many Hindus that are unauthorised immigrants under current law.

The ostensible purpose of the bill is to shelter persecuted religious minorities from Afghanistan, Bangladesh and Pakistan. Hindus, Sikhs, Buddhists, Jains, Parsis and Christians are groups that the proposed law identifies as religious minorities. Muslim groups like Ahmadis — certainly a persecuted religious minority in Pakistan — are conspicuously absent. In Assam, it muddles the NRC (National Register of Citizens) process since unauthorised Hindu immigrants from Bangladesh who came before December 31, 2014 — according to the bill — would no longer be considered illegal migrants; they would become eligible to apply for Indian citizenship.

If the bill becomes law, it will be a major step in moving India's citizenship regime from being based on birth in a territory (*jus soli*) to one based on blood and ancestry (*jus sanguinis*). It will even incorporate into our citizenship laws the idea of Hindu immigration as homecoming. The bill formalises a position long taken by Hindu nationalists.

One can be sympathetic to the plight of those persecuted for their faith in neighbouring countries and still be alarmed by this effort to dramatically change India's citizenship regime. Aren't there other ways for India to support persecuted religious minorities in neighbouring countries? It is extraordinary that the dissent against the bill has not been more widespread.

But how has Northeast India managed to strike this powerful dissenting note? The region's courage to be parochial — to borrow an expression used by Irish poet Patrick Kavanagh — deserves more attention and appreciation. Kavanagh once said that, "it requires a great deal of courage to be parochial". Parochialism for him was the opposite of provincialism. The provincial, he wrote, "has no mind of his own;

he does not trust what his eyes see until he has heard what the metropolis... has to say on any subject". The parochial mentality, in contrast, has no doubts about the authenticity of the local and a sense of belonging to it. Kavanagh wrote this with artistic and literary creativity in mind. But the idea applies to political expressions and actions as well.

The crucial historical fact about Northeast India that the rest of India has repeatedly failed to come to grips with is that both migration from eastern Bengal and opposition to it began before 1947. Local resistance had forced changes in the colonial-era settlement policy well before the Partition; and it even defined the battlelines of the Partition somewhat differently from other parts of India.

Settling the so-called wastelands of the colonial frontier province of Assam was a major priority for British colonial administrators. Since the population density of the region — like that of many other frontier regions of Asia — was low and the local peasantry was not attracted to wage labour in plantations, it became possible to produce tea on an industrial scale in Assam only by recruiting workers from other parts of India. Colonial administrators, however, had a far more expansive view of Assam's "wastelands" than just the lands where tea could grow. They saw the low-lying areas of the floodplains of the Brahmaputra — used in pre-colonial times for seasonal cultivation and not for year-round cultivation and settlement — also as a vast potential revenue-earner. Their reclamation began in the early 20th century when the demand for raw jute went up in Bengal's jute industry and Muslim migrants from densely populated deltaic eastern Bengal were then encouraged to settle those lands. They began coming on their own once social networks connected the two regions.

But many other groups of people migrated to Assam during the colonial period. Prominent among them were educated Hindu Bengalis who were drawn by the opportunities opened up by the extension of colonial rule to this frontier region. Thanks to Bengal's longer experience of colonialism — and exposure to English — they had the skills to occupy many new middle-class positions in the colonial bureaucracy. Sylhet being a dis-

trict of Assam facilitated their recruitment. Through much of the colonial period, Sylhetis were disproportionately represented in the colonial bureaucracy of Assam. The net effect of this pattern of recruitment was to give Assam's colonial experience a demographic layering with a political edge that was not unlike that of Myanmar and some other Southeast Asian countries.

Mandy Sadan, a historian of Burma, describes the experience of colonial rule in parts of Southeast Asia as one of "being governed from a western metropole but with the daily experience of the social, political and economic colonisation... by people (predominantly men) of Asian origin, who were the agents of that colonisation or else were seeking to take advantage of it". If for Burmese subjects of the British Empire the complex encounter with South Asian migrants was a "vital part of being colonised", in French colonial Indochina, particularly Cambodia and Laos, it was Vietnamese bureaucrats who were the "local face of French colonisation". The sentences could be easily re-written to apply to Assam.

Assam has stubbornly resisted being regarded by its rulers as a land without people, or with very few people. Settlement frontiers after all are man-made. It is unequal political power, and often conquest, that turns territories inhabited by some people into frontiers for other people. For more than a century, efforts to reclaim the land and the past and to assert the historical presence of collectivities against the discourse of power have been a persistent theme in the politics of Assam.

The BJP did well in Northeast India not because of Hindutva, but for its promise of a *Khilonjia Sarkar* — a government made up of locals that works in their interest — the implicit contrast being one that would be beholden to "immigrant" power, that is those of east Bengali descent whether Hindu or Muslim.

Not surprisingly, the ruling party's push for the citizenship amendment bill is seen as an act of betrayal — not just breaking a promise but doing the opposite of what it had promised at election time.

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UNHEALTHY FRICTION

West Bengal's exit from PMJAY bares tensions between states and Centre over health policy. Both should mend fences

THREE-AND-A-HALF MONTHS IS too short a period to judge the performance of any policy. The period is definitely too brief for the Pradhan Mantri Jan Arogya Yojana (PMJAY) to come into full play. Even then, West Bengal's withdrawal from the Centre's ambitious health insurance scheme, last week, raises disturbing questions. The state government's reason for the move bares the fact that ownership of the project remains a fraught issue. West Bengal Chief Minister Mamata Banerjee has alleged that the Centre is taking "all credit" for the scheme. She said that her government will not honour its commitment to pay 40 per cent of the scheme's expenses because pamphlets being distributed by Ayushman Bharat — PMJAY's nodal agency — "mention the name of the Prime Minister and have his photograph". This certainly smacks of petty politics. However, West Bengal's exit from the PMJAY also speaks poorly of the Centre's efforts to make the states, especially the ones where the NDA does not hold office, partners in its flagship project.

Punjab, Delhi, Kerala, Telangana and Odisha — non-NDA-ruled states — had opted out of the PMJAY when the programme was launched. But Kerala and Punjab eventually agreed to implement the scheme. Delhi, Telangana and Odisha, however, continued to raise issues over converging their existing health programmes with the PMJAY. West Bengal too had similar reservations to begin with, but the state government came around to aligning its existing scheme, Swasthya Saathi, with the Centre's programme. This decision meant that an additional one crore people in West Bengal got a health insurance cover. But the state's volte face means that these beneficiaries stand to lose out.

PMJAY's architecture gives states the flexibility to decide the modalities of implementation. But Delhi, Telangana and Odisha's objections show that more work needs to be done in this respect. The greater problem, however, is that the boundaries between genuine differences over modalities and politicking have become blurred. The three states, for instance, claim their policies are better than the PMJAY. Instead of finding ways to end the stand-off, the Centre has often resorted to grandstanding. Union Minister of Textiles Smriti Irani had berated Odisha CM Naveen Patnaik for withholding the benefits of Ayushman Bharat from the state's people. West Bengal's withdrawal signals a new low.

AND THAT'S FLAT!

In defiance of roundness, flat earthers are embarking on a cruise that Terry Pratchett would have liked to captain

THE FLAT EARTH International Conference has proposed its "biggest, boldest, best adventure yet", a cruise on a flat sea in 2020. But it won't be plain sailing, because navigational charts are founded on the certainty that the earth is round, which is anathema to flat earthers. Besides, their voyage will not be the "boldest" ever, since they will be secure from the leading anxiety of pre-modern sailors — the ever-mingling of the sea and the land. Samuel Rowbotham, had taken out insurance against mishaps by conceiving of the earth as a flat disc centred on the North Pole, and bounded at the circumference by an Antarctic ice wall. The Conference has inherited this fail-safe world-view, but spurned all else. Its website strongly assert that it has nothing to do with the fons et origo of all things flat — the Flat Earth Society, which Rowbotham established informally in the late 19th century. It appears that even in the extremely niche territory of a flat earth, there is room for rivalry.

But there can be no division on the reading material that fans of flatness should take with them on the cruise. It's obviously *Flatland: A Romance of Many Dimensions*, published by the schoolteacher Edwin Abbott Abbott in 1881. While a flat earth exists in three dimensions, Abbott smashed the universe down to two dimensions, in which men and women were reduced to polygons and straight lines (the dimensions permitted to the sexes had political significance). Flatland faces competition only from the sorely missed Terry Pratchett's Discworld, which existed in three dimensions. Whether their politics is turnwise or widdershins, all flat earthers should feel at home in Pratchett's world. Except that it is entirely possible to fall off its edge.



BADRI NARAYAN

"THE FOLLOWERS OF Kanshi Ram and the descendants of Ambedkar and Lohia are going to come together. It will change politics," a middle-aged Samajwadi Party worker in a *kasba* near Allahabad said. This was just before the SP and BSP had announced their alliance. On UP's roads, one could see supporters of the SP and BSP on bicycles carrying flags of both the parties.

Many people in rural UP, who are not satisfied with the BJP told me, "Mahagathbandhan ko vote denge" (will vote for the mahagathbandhan). People have already formed a mahagathbandhan in their minds. But other than the SP-BSP alliance, the shape of the coalition is not clear. RLD may join it, but the party is yet to arrive at a final decision. Most importantly, without the Congress, the alliance will not be seen as a "mahagathbandhan" by the people.

The Congress's strategy isn't clear. But if the party emerges as a strong third force in the 2019 election, it will create problems for the SP-BSP front. There is speculation of an informal understanding between the SP-BSP alliance and the Congress on a few seats. But there is not much to substantiate such talk.

The SP-BSP gathbandhan does have its strengths, the most important one being that it is a coming together of two major social groups — Dalits and OBCs. The SP's vote base is mostly among the Yadavs, the largest OBC community and the BSP counts

THE SPURNED PARTY

Congress could prove to be a spanner in the works of the SP-BSP alliance

The alliance will give a psychological boost to opposition politics not only in Uttar Pradesh but also in other parts of India. But the alliance will face major challenges during the 2019 parliamentary polls. The first major task at hand is to create a work culture in which the cadre who have contested elections and campaigned against each other for at least two decades can work together.

the Jatavs and a few other Dalit communities as its supporters. If the arithmetic of vote-bases work out, it could have a multiplier effect on the votes polled by the two parties. At the grass roots level, it could mean a coming together of the cadre of both parties.

The alliance will give a psychological boost to opposition politics not only in Uttar Pradesh but also in other parts of India. But the alliance will face major challenges during the 2019 parliamentary polls. The first major task at hand is to create a work culture in which the cadre who have contested elections and campaigned against each other for at least two decades can work together. The second challenge is linked to the political economy of North India. On the ground, Dalits and OBCs have conflicting social and economic interests. In recent decades, the OBCs have emerged as a landed community in many parts of UP, while Dalits work as labourers on their fields. At the same time, the deepening of democracy means that Dalits are asserting themselves socially and politically. That is why there have been frequent clashes between the Dalits and OBCs.

Another problem for the alliance could be caused by the Congress forming an alliance with small parties like the Pragatishil Samajwadi Party (Lohia) led by Shivpal Yadav and Suheldeo Bharatiya Samaj party led by Om Prakash Rajbhar and the Mahan Dal. If this Congress-led alliance succeeds in at-

tracting a section of Muslims, Brahmins and Dalits, the SP-BSP gathbandhan would find it difficult get the expected results. The Muslim community seems to be drawn towards the Congress because the party appears to be emerging as an alternative to the BJP at the Centre. The results of the Madhya Pradesh, Chhattisgarh and Rajasthan elections have sharpened this perception. A section of Brahmins in UP seems to be unhappy with the BJP and some Dalit groups have started to feel comfortable with the Congress. The recently announced 10 per cent reservation for the economically weaker sections, though, could work in favour of the BJP. Triangular fights could minimise the BJP's losses.

The polarising strategy of Hindutva politics poses another challenge. The BJP could accuse the SP-BSP gathbandhan of Muslim appeasement. BJP President Amit Shah recently announced that the BJP will counter casteism with Samagra Hindutva — the party would try to mobilise almost all Hindu castes and communities.

The gathbandhan did succeed in the recent parliamentary by-elections as well as in the assembly election to the Kairana constituency. Lets see how events pan out in 2019.

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JANUARY 15, 1979, FORTY YEARS AGO

IN PM'S COURT CHARAN SINGH SAID it was for the prime minister to take the initiative for his rejoining the Union Cabinet. "I am not a power-seeker," he asserted. He also said he had never made any suggestion to be back in the ministry. "Nor had I authorised anybody to request the PM on my behalf," said Singh. Speaking at meeting at the Press Club in New Delhi on the eve of the three-day crucial meeting of the Janata Party's national executive, Charan Singh tried to avoid comments which might frustrate unity moves. Initially, he declined to say anything on politics. But persistent questions on Janata affairs drew him out. Singh confined his 45-minute opening ad-

dress to enunciation of his economic policy. CONGRESS RIFT CHANDRAJIT YADAV, FORMER member of the Congress Working Committee, accused the party president Swaran Singh of having deliberately paralysed the party for the last year. From the day he took over as president, Swaran Singh had been preparing ground to deliver the Indian National Congress to Indira Gandhi. Yadav said in a statement. He said Singh's action in accepting his and Karan Singh's resignation from the CWC three months after it was tendered, was in keeping with "a series of unprincipled machinations and manoeuvres in which he has in-

dulged in a bid to destroy the identity of the INC and hand it over to Mrs Gandhi".

IRAN PARLIAMENT THE LOWER HOUSE of Iran's Parliament opened debate on Prime Minister Shahpour Bakhtiar's government, while in the streets of Tehran, thousands marched demanding the ouster of the Shah and creation of an Islamic Republic. Parliamentary sources had forecast a vote of confidence later in the day but as the debate dragged on, it appeared that balloting would not be taken until Tuesday. The new government must receive approval from the Majlis or lower house to begin implementing its promised package of policies.

# THE IDEAS PAGE

## Propaganda in an exit

In his resignation post, Shah Faesal invokes a narrative of Kashmiri victimhood that is at odds with the reality on the ground and filled with political posturing



SO, HE FINALLY bit the bullet. After months of speculation, Shah Faesal, the erudite and charismatic topper of the 2010 batch of the Indian Administrative Service, a pioneer, a celebrity and a role model for many in the Kashmir Valley and beyond, has resigned. In a social media post announcing his resignation, equally loaded with idealism and political posturing, he enumerated his reasons for taking this step.

To recap, his resignation has been brought about by the unabated killings in Kashmir, the lack of sincere outreach by the Union government, the second-class treatment of India's Muslims, the threat to the special status of J&K, the growing intolerance and hate in mainland India, and the subversion of autonomous institutions such as the RBI, CBI and NIA. For any principled and idealistic officer, any one of these reasons should be sufficient to quit in protest. Taken together, they make a seemingly compelling case for en masse resignation for all public-spirited civil servants.

Many have lamented the system that could not keep someone like Faesal interested enough to continue in service. If getting into India's higher echelons of civil services is tough, navigating an ecosystem with constantly shifting sands of political fashion and public sentiment is even harder. It is tempting to think that the system kills all idealism in the likes of Faesal, and that those of us who carry on within, do so by making different types of Faustian bargains. Anyway, the scope of this article is not to psycho-analyse Faesal or the motives that drive the bureaucracy. It is to examine his views on Kashmir as expressed in his resignation post as well as in an article published in this newspaper some days ago.

In his concerns for India's minorities, its Constitution and its institutions, Faesal echoes sentiments that are shared by most Indians, irrespective of their current voting preferences. However, in his views on Kashmir, Faesal pays homage to a narrative that is at considerable variance with both facts on the ground, as well as with the sentiments of the majority of liberal, secular Indians outside Kashmir, who see Kashmir as an integral part of the civilisational heritage and constitutional ethos of India. The hidden assumption is that Kashmiri separatism and exceptionalism are somehow completely consistent with our Constitutional values. This is an assumption that needs to be examined and challenged.

The dominant narrative in the Kashmir Valley is one that has been readily embraced by a section of our intelligentsia and even the international community. It emphasises the alleged betrayal and oppression of the people of Kashmir, that has been ongoing in different ways right from the time of the accession of Kashmir to India, by a cynical and ruthless Indian deep state. It makes the implementation of the UN resolutions on Kashmir, especially with regard to the promised plebiscite, the foundation of any settlement of the dispute. And it explains away both the ongoing radicalisation in the Valley and tactics like fideyeeen attacks and stone pelting, as a justified response by a popula-



Suvajit Dey

tion that is supposedly under the military occupation of India.

For far too long, this narrative has been given a free pass by the rest of India. It is, of course, quite impossible to question it in the Kashmir Valley, where it has a status of divine revelation. But for the sake of Kashmir, and for the sake of the rest of India, it is important to question and expose this narrative for what it is — a narrow, sectarian ideology, that itself rests on religious bigotry, xenophobia, and a complete denial of Kashmir's own cultural and historical past. It is a one-sided narrative of victimhood that ignores the missteps by Kashmiris themselves, the extravagant assurances given by Kashmiri leaders to gain their special status under Article 370, a high level of engagement with the deep state of Pakistan, an electoral politics marred by doublespeak and subversion of the popular will, a political economy that has never shied away from seeking ever-growing subsidies and concessions from the rest of India, the shameful ethnic cleansing of Kashmiri Pandits, and a popular culture that has turned away from its joyous, syncretic roots to adopt the puritanical imperatives of Wahabism.

Much is made by Kashmiris of the need for India to respect Kashmiri sentiments. Respect is a two-way street. So perhaps the separatist leadership in Kashmir needs to appreciate this and begin engaging with and understanding Indian sentiments on Kashmir.

Indian sentiments are based on our experiences of the Partition and the relationship with Pakistan since then. No amount of anger on the streets or violence is going to make the rest of us agree to anything that remotely looks like another partition of India. The vocabulary of *intifada* and *jihad* neither shames the mainstream in India nor intimidates us.

The current political conversation in the Valley has an echo chamber like nature. Kashmiris can convince themselves till kingdom come about the victimhood of Kashmir. The rest of us take a more nuanced view. We see it as an unavoidable tragedy where Kashmiris themselves have been complicit in its creation and perpetuation. Unless Kashmiris genuinely and mistakenly believe that they can impose a military solution on India with the support of Pakistan, there is no substitute for participation in electoral politics under the ambit of the Constitution of India.

Over almost three decades, the violence in Kashmir has ebbed and flowed with many false alarms about peace. Pakistan has no interest in a peaceful settlement that doesn't involve the merger of Kashmir with itself. And there is no way India will agree to that. These underlying sentiments of the people of India are perhaps insufficiently appreciated by the people in the Valley.

The current political conversation in the Valley has an echo chamber like nature. Kashmiris can convince themselves till kingdom come about the victimhood of Kashmir. The rest of us take a more nuanced view. We see it as an unavoidable tragedy where Kashmiris themselves have been complicit in its creation and perpetuation. Unless Kashmiris genuinely and mistakenly believe that they can impose a military solution on India with the support of Pakistan, there is no substitute for participation in electoral politics under the ambit of the Constitution of India.

Faesal invokes his concern for our declining constitutional values in his resignation post. It is an admirable concern. But it would be a worthless Constitution that readily agreed to the dismemberment of the nation that it is meant to define and protect. In interweaving it with a one-sided narrative of Kashmiri victimhood and concern for our minorities in "mainland" India, he gives the game away. His idealism may be sincere, but his ambition and cynical manipulation of his target audience are equally sincere. The politics of Kashmir has definitely gained a rising star. I am less sure about the loss to the bureaucracy that is meant to be guided by the twin pillars of loyalty to the Constitution and to the territorial integrity and sovereignty of India.

The writer is an IPS officer serving in Kashmir. Views are strictly personal

### WHAT THE OTHERS SAY

"The longer Trump's shutdown persists, the more the damage will compound."  
— THE WASHINGTON POST

## Alliances and strategic autonomy

Indian foreign policy debate would be less metaphysical and more pragmatic if it stops obsessing about 'non-alignment'



RAJA MANDALA  
BY C RAJA MOHAN

IS "NON-ALIGNMENT" a special attribute of Indian foreign policy? Given Delhi's continuing preoccupation with the idea of non-alignment, most visible recently at last week's Raisina Dialogue in Delhi, you would think it is.

More than a hundred countries are members of the so-called Non-Aligned Movement (NAM). They swear, at least formally, by the idea of non-alignment and show up at the triennial NAM summits. But few of them think of non-alignment as the defining idea of their foreign policies. Even fewer believe it is worth debating on a perennial basis.

The governments in Delhi might have been the last, but they have certainly moved away from the straitjacket of non-alignment — in practice if not in theory. The rhetoric too has changed under the present government. As Foreign Secretary Vijay Gokhale put it in response to a question at the Raisina Dialogue, India is now "aligned". "But the alignment is issue-based", Gokhale said. "It is not ideological. That gives us the capacity to be flexible, gives us the capacity to maintain our decisional autonomy."

If non-alignment belongs to the past, is "strategic autonomy" something unique to India? Not really. All countries, big and small, try to maximise their freedom of action. And the autonomy that a nation can exercise depends on its specific circumstances such as size, location, comprehensive national power, and the nature of the threats among many other things.

Take, for example, Pakistan. In Delhi's foreign policy mythology — India chose an "independent" foreign policy and Pakistan a "dependent" one. As the Cold War between America and Soviet Russia enveloped the world soon after Partition and Independence in the middle of the 20th century, India and Pakistan seemed to take opposite diplomatic paths. India embraced non-alignment and refused to endorse America's anti-Communist alliances. Pakistan pooh-poohed non-aligned solidarity, calling it "zero plus zero is equal to zero". It signed a bilateral defence pact with the US and joined the two regional security blocs — called Central Treaty Organisation (CENTO) in the Middle East — and the South East Asia Treaty Organisation (SEATO) in the Far East.

What followed was far more interesting. The seeming ideological clarity that both India and Pakistan brought to their respective foreign policies dissolved quickly in the real world.

India, which had refused to join the West in isolating communist China and sought to befriend it, ended up in a conflict with Beijing. And when the border war broke out in 1962, India turned to the United States for military assistance. Pakistan, which was quick to join the anti-Communist band-

wagon did not take long to discover the convergence of interests with Maoist China. Pakistan's delegation went into the Afro-Asian summit at Bandung, Indonesia, in 1955 with an anti-China orientation. It returned with an understanding of Pakistan's shared interests with Beijing on balancing India. The Chinese premier Zhou Enlai convinced Pakistan leader Mohammed Ali Bogra that Communist China is not a threat to Pakistan. Bogra, in turn, made it clear that Pakistan's problem is not with communist expansion in Asia but with India. The rest — the making of a very special bilateral relationship — is history. China has rarely complained since about Pakistan's long-standing military relationship with the US.

That Pakistan could warm up to China so soon after it joined America's anti-Communist alliances in Asia is probably one of the most impressive examples of exercising "strategic autonomy". It was so successful that Pakistan became a bridge between China and the US at the turn of the 1970s.

Indian foreign policy community continues to be troubled by the question of alliances and autonomy when it comes to dealing with China and the US. It could, perhaps, find a thing or two from Pakistan that has managed these relationships quite well. Delhi's traditional fear of alliances is based on a profound misreading of what they might mean. Alliances are not a "permanent wedlock" or some kind of a "bondage". They are a political/military arrangement to cope with a common threat. When the shared understanding of the threat breaks down, so does the alliance.

A couple of examples. To cope with the American threat Mao Zedong aligned with Soviet Russia in 1950. Two decades later, he moved closer to America to counter Russia. Now China is once again buddies with Russia in trying to limit American influence in Eurasia. When Communist China walked into Tibet in 1949, the monarchy in neighbouring Nepal got India to sign a treaty in 1950 offering protection. Not too long after, Kathmandu figured China is not a threat and began to undo the security provisions of the 1950 treaty.

Not many countries in the world today are members of alliances. The few alliances that have survived since the Second World War are undergoing stress on the supply as well as demand side. In America, President Donald Trump is questioning the costs and benefits of these alliances. Presidents Tayyip Erdogan of Turkey and Moon Jae-in of South Korea, both treaty allies of the US, hardly share American perceptions on the regional threat in the Middle East and the Korean Peninsula respectively.

India, as Gokhale told the Raisina Dialogue, is a large and globalised economy with "big stakes in all parts of the world". The Indian foreign policy debate would be less metaphysical if it stops obsessing about "non-alignment" and "strategic autonomy" and starts focusing on a pragmatic assessment of India's interests and the best means to secure them — including partnerships and coalitions — against current and potential threats.

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## She never lost a single battle

Meera Sanyal, the woman, the warrior, is the greatest success I know

AMONGST THE MANY images I have taken of Meera Sanyal, there is one I hold dear above all others. Composed in the delicate morning light, it is a view from a soft distance, to her side. The year is 2014 and we are at a rally for her candidature, somewhere in the dizzying streets of Mumbai. Meera is laughing, her face is radiant in an open expression of pure joy, she is wearing her AAP cap slightly askew, she doesn't know anyone is looking. It is a heartbeat of a glimpse into someone's soul, the unfading beauty of a gentle and quiet spirit.

As a citizen of India, it seemed only natural to want to take a stand in our 2014 Lok Sabha elections. India was at a tipping point. Both Meera and I felt India needed a culture of clean politics and sensible economics, and governance that was competent and compassionate. We needed leaders with ideals, integrity and intellect. It was also around this time that Meera relinquished her position as CEO and Chairperson of Royal Bank of Scotland in December 2013, to devote herself full-time to public service. When she decided she would then run as the Aam Aadmi Party (AAP) candidate for the Mumbai-South Constituency, I knew she was the person and the cause I wanted to support and I came on to serve as her Campaign Manager for Policy and Communications.

The world knows Meera as a proud and engaged citizen of India and as a successful business person, but at heart, she was a teacher. Her purpose in life was to give back; every time she got, she gave. When she learned something, she was the first to pass it on to those around her.

There aren't very many opportunities for young women such as myself to learn and be mentored by other strong women. The role models we seek aren't easy to find — our social structures aren't inherently built to nurture women as independent leaders. Meera saw this gap and made it her life's mission to change the status quo. She was a fierce advocate for women's rights and more importantly, she built up other women around her, especially those younger and less confident.

Meeting Meera was akin to meeting myself in full. She moved through the world with unshakeable calm, confidence and a fierce grace, and in her, I saw a world of possibilities for the life I could someday shape for myself. She did this for me, and I know, for countless other women.

During her time at the bank, Meera Sanyal mentored the MicroFinance programme, which financed over 6,50,000 women in rural India. She also chaired the bank's Foundation, providing livelihood assistance

to 75,000 women-led households in threatened ecosystems. And it was during this time working with microfinance and self-help groups (SHGs) across the country, that she found women have a natural knack for starting and running businesses. She often said that when a woman is financially empowered, and generating income, life in her family dramatically improves. A woman invests in the right things; education for her children, more nutritious food, health and hygiene, and savings for a rainy day.

Meera strongly believed that women don't need charity, handouts or reservations. We can succeed on merit if we are provided with the opportunity. Which is why a primary focus of Meera's candidacy was to create a level-playing field for women in India so we provide them the means to feel safe, confident and empowered.

But if she was a teacher, her greatest lesson was to strive for what you believe in. During the campaign, there were numerous times our backs were against the wall and she wanted to say something that brought us together, a little band of brothers. Go out and fight. See what happens. That was her axiom, always. Fear was not a worthy enough companion for Meera, only hope. Most of all, I will miss her laughter and her

kindness. She had a way of turning an entire room into co-conspirators, making everyone complicit in her delight. There was no artifice to Meera, her laughter was rich as it was warm and unselfconscious. She touched the lives of all those who were lucky enough to have met her; she was serene, funny, engaging, and curious, the sort of person who held her own in a room full of others without imposition. It is her humanity, her compassion, her humility and her unceasing consideration of others above herself, that we will miss the most.

Meera never did lose a single battle. Nor was she unsuccessful. Not in facing her illness nor in how she conducted her professional and political career. Meera threw her hat in the ring on more than one occasion, she stood in the arena and she dared greatly, she knew the great devotions of life intimately, and she spent herself toward many a worthy cause. A life well lived is one which has goals, and integrity, which is chosen and directed by the one who lives it, to the fullest extent possible to any of us caught in the webs of society and history.

Meera Sanyal, the woman, the warrior, is the greatest success I know.

The writer is head, Sustainability & Special Projects, Tata Trusts

### LETTERS TO THE EDITOR

#### JOBS NOT QUOTAS

THIS REFERS TO the editorial, 'A quota for farmers' (IE, January 14). Started as a temporary measure to rectify historical caste injustices, reservations have become a tool of competitive populism. It is clear that this "temporary measure" has failed to achieve its purpose after 71 years. So, if the government is serious about advancing weaker sections, it should focus on restoring the distorted economic order, creating jobs matching with the skills, focusing on the right to learning rather than the right to go to school and creating ease of agriculture along with ease of doing business. What is required is comprehensive action — be it economic, legal, political or social and not another populist measure in the guise of "Sabka Saath Sabka Vikas".

Divya Singla, Patiala

#### ARMY'S TEST

THIS REFERS TO the editorial, 'A question for general' (IE, January 14). The author is right in saying that the army should embrace progressive ideals, but Article 33 of the Constitution authorises Parliament to restrict the conferment of any of the fundamental rights to the members of the armed forces. Homosexuality has been decriminalised by the apex court for being in contravention with the fundamental rights under Articles 14, 15 and 21.

Vinay Saroha, Delhi

#### 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](mailto: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

#### LIMITS OF ALLIANCE

THIS REFERS TO the editorial, 'Lucknow alliance' (IE, January 14). The SP-BSP pre-poll alliance draws viability from winning three bypolls. However, keeping the Congress out does not augur well for Opposition unity. It is time for all opposition parties to sink their differences and unite.

Deepak Singhal, Noida



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If there are questions of current or contemporary relevance that you would like explained, please write to [explained@expressindia.com](mailto:explained@expressindia.com)

## TELLING NUMBERS

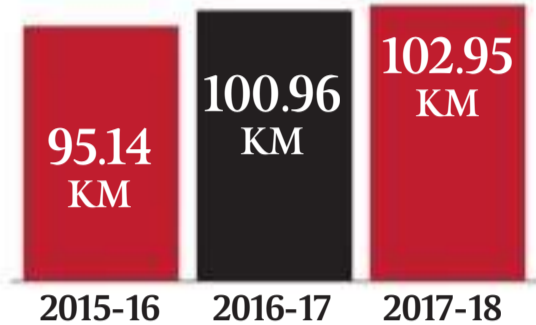
### LAC roads in last 3 years, the delays and the reasons

AS EFFORTS to improve infrastructure along the LAC continue, the pace of road construction has remained broadly the same over the last three years, figures given to Parliament suggest. Seventy-three roads, with a total length of 3,812 km, have been identified as strategic "Indo-China Border Roads" (ICBRs), of which 61 ICBRs (3,417.5 km) have been commissioned to the Border Roads Organisation (BRO). Lok Sabha was told on January 8. Of these 61 ICBRs, 28 (981.17 km) have been completed; work on the remaining 2,436.33 km is on. "The main reasons for delay in execution of road projects are delay in obtaining forest/wildlife clearances, hard rock stretches, limited working season, difficulties in availability of construction materials, delay in land acquisition, natural calamities, i.e. earthquakes, flashfloods, etc. and strategic security consideration," the government said in its reply in Parliament.



A highway maintained by BRO (representational image). Archive

#### LENGTH OF ROADS BUILT ALONG LAC



#### 61 ICBRS: DELAYED PROJECTS

State	Work in progress	
	No. of roads	Length (in km)
Arunachal Pradesh	11	1,110.83
Himachal Pradesh	1	56
Jammu & Kashmir	8	894.44
Uttarakhand	11	321.55
Sikkim	2	53.51
<b>Total</b>	<b>33*</b>	<b>2,436.33</b>

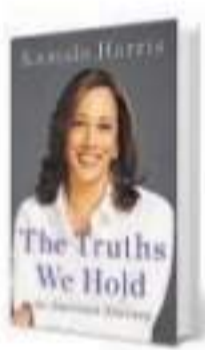
\*Connectivity has been achieved in 27 of these 33 roads

Source: Parliament question

## TIP FOR READING LIST

### BEFORE A LIKELY PRESIDENTIAL RUN

THERE ARE reasons a new book by Kamala Devi Harris, the junior Democratic Senator from California, would be of interest to many people, including Indian readers, right now. In 2017, Harris, the daughter of a Tamil Indian cancer researcher mother and a Jamaican father, became the second African-American woman and the first South Asian-American Senator in US history. The idea for the book came, Sen Harris told The New York Times in an interview, on "Election Night, 2016", and addresses "the urgent political matters that have risen in the wake of that night". Two years on, she told TV host Stephen Colbert last week that she "might" seek the Democratic ticket for a run against Donald Trump in the presidential election of 2020.



Source: Parliament question

The persistent trenchant criticism of the President and his policies, and the aggressive Senate interrogations of administration officials that have earned her a devoted following among American liberals notwithstanding, Harris can sometimes take political positions that are more complex and, some critics would say, worrying.

She does not speak as much, it has been pointed out, about Wall Street corruption and economic populism than either Elizabeth Warren or Bernie Sanders,

two other Senators who might seek to enter the 2020 race. And some criminal justice activists say that as the attorney general for California and district attorney for San Francisco, she contributed to sending a large number of people to jail.

The Truths We Hold: An American Journey has received mixed reviews — the critical ones have underlined that Sen Harris has not addressed at sufficient length several controversial policy positions she has taken in California,

and that the book flogs a number of political clichés. A report in The New York Times quoted Sarah Weiss, a book editor, as saying, "My concern is that she's (Harris) not liberal enough, and she talks in clichés that are kind of meaningless. She keeps saying there's more that connects us than divides us, but at this time

in politics, it seems like that's not enough."

Asked by The NYT to "persuade someone to read The Truths We Hold in 50 words or less" Sen Harris said: "I hope you'll walk away renewing your faith in the nobility and importance of public service, and convinced that we are a country that was founded on noble ideals. Imperfect though we may be, what makes us strong, and special, is that we've always aspired to reach those ideals."

## AN EXPERT EXPLAINS

# New quota and basic structure

The 10% quota for economically weaker sections faces a challenge in the Supreme Court on grounds of violating the 'basic structure' of Constitution. What is that structure, how does SC decide if it is violated?



FAIZAN MUSTAFA

IN THE 124th Constitutional Amendment recently passed by both Houses of Parliament, providing for 10% reservation to economically weaker sections, the newly inserted Clause 6 in Article 16 enables the state to make such a provision. Because of this, the government is confident that the Supreme Court is unlikely to find such reservation unconstitutional and that the amendment will be upheld as consistent with the principle of equality and non-discrimination.

The move has, however, been challenged on the ground of violating the basic structure of the Constitution. An NGO, Youth for Equality, has moved a petition on this ground, while senior advocate Indra Sawhney, whose plea had led to the landmark Mandal judgment capping reservations at 50%, is contemplating a challenge to the amendment.

What is the basic structure of the Constitution, and how does the court determine whether a constitutional amendment violates the basic structure?

#### Why amend the Constitution?

Initially, since leading freedom fighters were Members of Parliament, the Supreme Court reposed faith in the wisdom of the then political leadership. In *Shankari Prasad* (1951) and *Sajjan Singh* (1965), it conceded absolute power to Parliament in amending the Constitution. But as the Constitution kept being amended at will to suit the interests of the ruling dispensation, the Supreme Court in *Golaknath* (1967) held that Parliament does not have the power to amend the Constitution, and this power would be only with the Constituent Assembly. Then again, in *Kesavananda Bharati* (1973), the Supreme Court by a 7-6 majority held that Parliament can amend the Constitution but does not have power to destroy it — no amendment can change its "basic structure". The court said that under Article 368, something must remain of the original Constitution that the new amendment would amend.

The idea of basic structure was originally suggested by Justice M Hidayatullah & Justice J R Mudholkar in *Sajjan Singh* (1965). It has been borrowed from Germany.

#### What is the basic structure?

The court did not define this, and only listed a few principles — federalism, secularism, democracy — as being part of basic structure. Since then, the court has been adding new features to the concept of basic structure. In subsequent years, courts extended the doctrine even to ordinary legislation and executive actions. The dismissal of BJP governments by the President following the demolition of the Babri Masjid was upheld in *S R Bommai* (1994), with the Supreme Court invoking a threat to secularism by these governments.

The doctrine of basic structure is not part of the text of the Constitution, and some experts even call it undemocratic as unselected

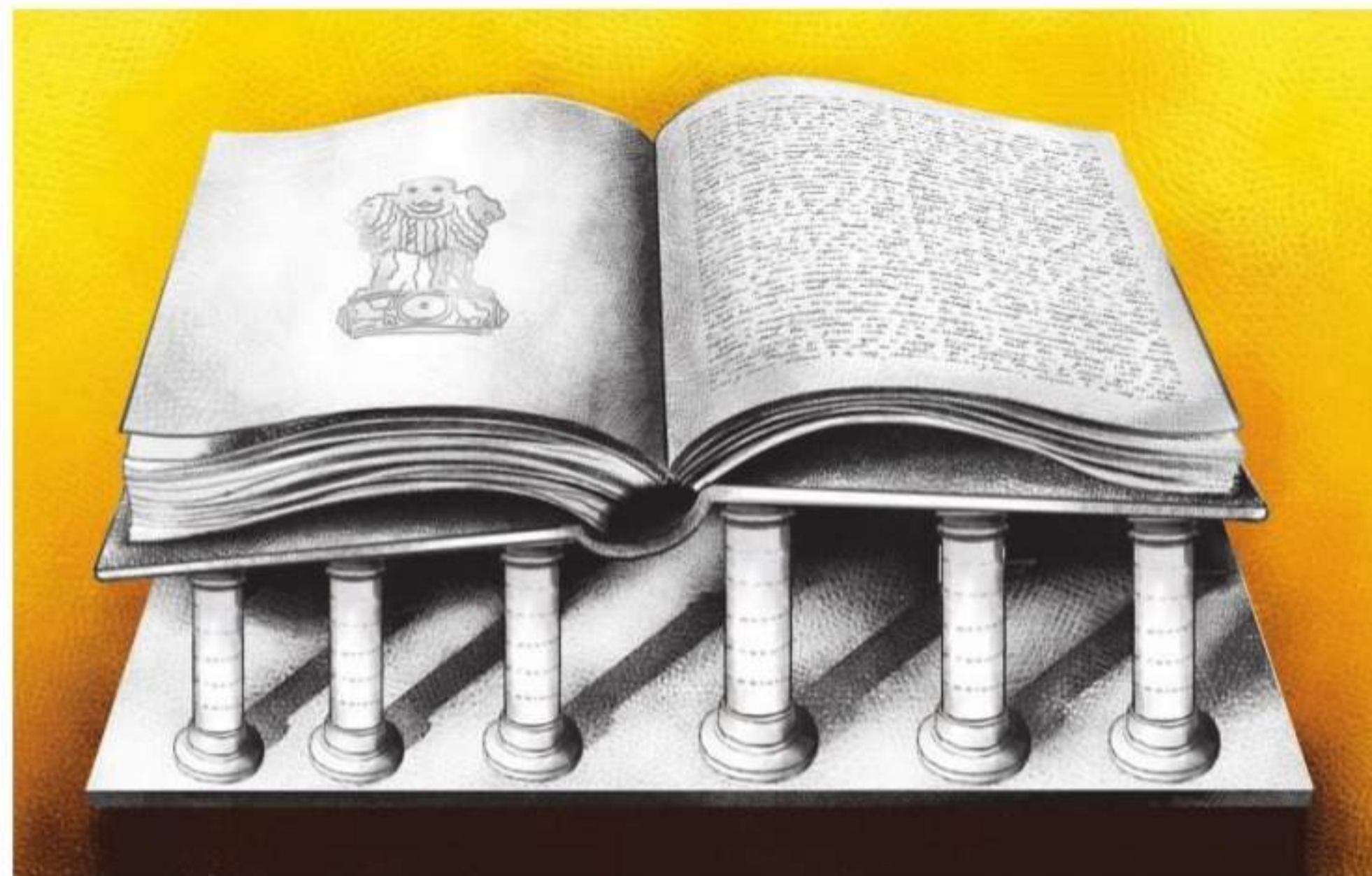


Illustration: Suvajit Dey

judges can strike down a constitutional amendment. But then, the same thing can be said about judicial review. Like judicial review, the basic structure doctrine is a safety valve against majoritarianism and authoritarianism; it safeguards citizens' liberties and preserves the ideals on which the Constitution is based. Thus, something may not be part of the text of any specific article of the Constitution, yet it may be part of basic structure. For instance "federalism" is not mentioned in the text but has been consistently included within basic structure. Similarly "secularism" was not in the text until 1976; but in 1973 it had been included within basic structure.

#### What context does basic structure have in reservation?

From the Poona Pact (1932) between M K Gandhi and Dr B R Ambedkar to the Constituent Assembly debates, reservation was talked about in the context of social backwardness of classes. The 124th Amendment makes a departure by extending reservation to the economically disadvantaged. Article 15(4), inserted by the First Amendment in 1951, enables the state to make special provisions for socially and educationally backward classes; Article 16(4) permits reservation for any backward class if it is not adequately represented in services under the state. Thus, reservation is not a right but, if granted, it will not be considered a violation of the right to equality. Article 17 abolishes untouchability; therefore, if there is an element of social exclusion of a class, reservation may be justified. Article 46, which is a non-justiciable Directive Principle, says that the state shall promote educational and economic interests of "weaker sections", in particular SCs and STs, and protect them from "social injustices" and "all forms of exploitation". While the 124th Amendment mentions Article 46 in its statement and objects, it seems the government overlooked the fact that upper castes neither face social injustice nor are subjected to any form of ex-

ploitation.

Moreover, the Constitution makes provisions for commissions to look into matters relating to implementation of constitutional safeguards for Scheduled Castes (Article 338), Scheduled Tribes (338A) and Socially and Educationally Backward Classes (339), but has not created any commission for the economically backward classes. Article 335 says that claims of SCs/STs will be taken into consideration, consistently with the maintenance of efficiency of administration, in making appointments to services and posts.

#### How will the court decide if economic reservation violates basic structure?

To determine this, the Supreme Court has to examine the principles on which affirmative action is based. As per *M Nagaraj* (2006), it would have to apply two tests. One is the width test, on the boundaries of the amending power. This would include examination of four issues — quantitative limitations such as violation of the 50% ceiling for all reservations taken together; (ii) exclusion of creamy layer or qualitative exclusion; (iii) compelling reasons such as backwardness of the economically weaker sections for whom this reservation has been made; (iv) that overall administrative efficiency is not obliterated by the new reservation.

The second test is called the identity test, under which the Supreme Court will examine whether, after the amendment, there is any alteration in the identity of the Constitution. The amendment cannot change this.

Equality in India has been held to be the very essence of democracy and rule of law. While equality permits reasonable classifications, these are to be based on intelligible differentia, should have rational objects to achieve and should not be fanciful and arbitrary. In this case, the court has to examine the equality code of the Constitution and whether the state has considered and valued the circumstances justifying it, to make reservation. This would require that the

state's decision is rational and non-arbitrary. The state has to show quantifiable data to satisfy the court as to inadequacy of representation of economically backward classes.

It is clear from the Constitution that reservation can be for a caste or a class. In fact, caste is a social class and cannot be for individuals; the latest move has made it for the individual. Similarly, the government has to justify "compelling reasons" of going beyond the 50% limit. In some states, upper castes number less than 10% and this scheme may be difficult to justify as for 52% backward classes there is just 27% OBC reservation.

Even for SC/ST reservation in promotion, the court in *Jarnail Singh* (2018) relaxed only the condition of collection of quantifiable data about backwardness but insisted on the other two limitations — inadequacy of representation and efficiency not being adversely affected. The amendment could clear the test provided the SC rules that ignoring past injustices and social backwardness are not part of basic structure of equality and affirmative action under it.

#### Who are a backward class?

Before a caste is included within the backward classes, a thorough empirical assessment is to be made of its social, educational and economic conditions. For instance, the Mandal Commission covered 405 out of 406 districts and evolved 11 yardsticks covering social, educational and economic backwardness with social backwardness being assigned 3 points, educational 2, and economic 1 point. Out of total 22, if a group scored 11, it would be considered a backward caste. The castes that the Mandal Commission found to be "advanced castes" cannot now be termed "backward classes" without similar empirical evidence. Otherwise, it would be seen as an arbitrary action.

The author is an expert on constitutional law and Vice-Chancellor of NALSAR University of Law, Hyderabad

## SIMPLY PUT QUESTION & ANSWER

# Why are farmers in the sugar bowl of Western Maharashtra angry?

Farmers protested violently over the weekend in support of their demand for a one-time payment of the fair and remunerative price. Ballooning cane dues could become a major issue as LS polls near

#### PARTHASARATHI BISWAS PUNE, JANUARY 14

SUGARCANE FARMERS in western Maharashtra Monday called off their violent four-day-old agitation, giving sugar mill owners and the government two weeks to find the money to pay them their full dues. The agreement was reached after daylong meetings between farmers and representatives of sugar mills, allowing the mills to resume crushing operations in evening.

Protesters led by the Swabhimani Shetkari Sanghata had paralysed harvesting and transportation of sugarcane between Friday and Sunday. Offices of both cooperative and private sugar mills had been attacked, vandalised and shut down by farmers in the sugarcane heartland of Kolhapur, Sangli, Satara and Solapur districts, and sugarcane trucks on the Pune-Bengaluru highway were stopped near Tandulwadi in Sangli.

This region accounts for 60% of Maha-

ashtra, and 30% of India's, sugar production. What are the issues in the unrest?

#### What triggered this round of sugarcane farmers' protests?

The Swabhimani Shetkari Sanghata led by Raju Shetti has consistently opposed the decision of sugar mills to pay the fair and remunerative price (FRP) in instalments, and demanded payment in one go. Two months into the crushing season, mills in Maharashtra have done poorly in the payment of FRP. Figures published by the Maharashtra government's Commissionerate of Sugar show that until December 31, mills owed farmers a cumulative Rs 4,575.53 crore — of the total payable FRP of Rs 7,450.89 crore, farmers had received only Rs 2,875.36 crore. As many as 74 factories, mostly in the districts of Kolhapur, Sangli and Satara, have still not made any payments to farmers. Taken together, cane dues in the states of Maharashtra and Uttar Pradesh, which account for almost 75% of the crop grown in the country, have already



A sugarcane farmer with his crop in Baghat, UP, Maharashtra and UP together account for almost 75% of India's cane production. Praveen Khanna/Archive

crossed Rs 11,000 crore, and arrears are set to peak around April.

#### Why are sugar mills unable to pay

#### farmers their dues?

Thanks to assured irrigation and conducive climate, sugar mills in this region are able to realise higher amounts of sugar per

tonne of cane crushed. As the FRP of cane is linked to its sugar recovery, the average rate payable to farmers here is around Rs 2,850 per tonne net harvesting and transportation charges. This is huge compared to, say, Pune or Ahmednagar, where farmers get an average net FRP of around Rs 2,200-2,300 per tonne. Growers in Marathwada have an even lower realisation.

Since the beginning of the current crushing season, mills across Maharashtra have said that the present sugar realisation of Rs 2,900 per quintal would not be enough to meet the production cost of Rs 3,400 per quintal. Banks, millers say, have valued sugar at Rs 3,000 per quintal, and 85% of this would be made available to them as working capital. 15% of this amount would go towards meeting expenses like gunny bags, salaries etc, leaving just enough to pay farmers at the rate of Rs 2,300 per tonne of cane.

Farmers in Ahmednagar and Marathwada, under pressure to sell their cane early due to the drought, have not protested the payment of FRP in instalments.

#### What is the way forward in this situation?

Mills have knocked on the doors of both the central and state governments seeking a bailout package in order to be able to pay

farmers. Former Union Agriculture Minister Sharad Pawar had asked for a package of Rs 500 crore to pay farmers the FRP. Millers had met Chief Minister Devendra Fadnis for direct transfer of Rs 500 per tonne into the accounts of farmers, or to raise the minimum selling price of sugar from the present Rs 2,900 per quintal to at least Rs 3,500 per quintal. No concrete step has been taken so far.

Cane is a highly political crop, and frequently decides the fate of leaders in Western Maharashtra. Arrears could peak just as voting for the Lok Sabha elections begins, and the last thing the ruling party in both the Centre and the state would want is to face full-blown farmer protests. Shetti, the MP from Hatkanangle Lok Sabha constituency that covers the districts of Kolhapur and Sangli, has been in talks with the NCP-Congress; that, however, has not kept him from targeting sugar mills, a majority of which are owned by leaders of these two parties. At the same time, Shetti has strongly criticised the BJP leaderships in both the state and the Centre, accusing them of not being adequately sympathetic to the cause of the farmers. The farm crisis and farmers' issues are likely to play a major role in the coming Lok Sabha elections, and the BJP would be worried about the direction the sugarcane growers' agitation might take.