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**WORDLY WISE**  
THERE IS NO FREE MARKET FOR OIL. IT'S CONTROLLED BY A CARTEL, OPEC.  
— FREDERICK W. SMITH

**The Indian EXPRESS**

FOUNDED BY

RAMNATH GOENKA

BECAUSE THE TRUTH INVOLVES US ALL

## A lover's quarrel

Saving the Constitution is not about rescuing a text, it is about renewing a commitment to each other



PRATAP BHANU MEHTA

## CHEATING, DEFAULT

CBI has taken first step in ICICI bank case. Wider implications arising out of this case will test the agency's mettle

THE CENTRAL BUREAU of Investigation on Thursday filed a case against former ICICI Bank MD and CEO, Chanda Kochhar, her husband Deepak Kochhar, Videocon group managing director, Venugopal Dhoot, and firms run by Deepak Kochhar and the Videocon group for allegedly cheating ICICI Bank of Rs 1,730 crore until March 2012, 10 months after The Indian Express first reported an alleged nexus between the Videocon group and Nupower Renewables Pvt Ltd of Deepak Kochhar. The CBI has filed charges of criminal conspiracy, cheating and abuse of official position for "dishonestly sanctioning loans" to the Videocon group against Chanda who was one of India's most influential bankers, after having first registered a preliminary enquiry or PE into the sanctioning of the loan aggregating Rs 3,250 crore in December 2017 which was declared a bad loan the same year. Evidence of self benefit or gratification ought to be the basis of a charge of criminal conspiracy and cheating and now that the CBI has taken the first step, it should take the process forward and ensure that the case does not drag on as we have seen in multiple instances of bank frauds in India.

There are wider implications arising out of this case which will test the agency's mettle. For one, it will have a bearing on the CBI's future anti-corruption drives against private banks after the Supreme Court's landmark judgement in 2016 which said that private bankers can be treated on par with their state-owned peers in terms of being public servants under the Prevention of Corruption Act. A successful prosecution could bolster its credentials at a time when it has been called to account in many cases. The other likely impact could be on board governance. The ICICI Bank board was quick to deny any conflict of interest of the CEO even though she was a member of the credit committee which approved the loan and then pussy footed on probing the case internally. The CBI has also said that the role of several senior bank officials including its former Chairman, KV Kamath, now India's nominee as president of the newly formed New Development Bank promoted by BRICS countries and the current CEO, Sandeep Bakhshi calls for a probe. In a season of governance failures at some of India's private banks, it highlights the failure on the board oversight and performance front in many of India's listed firms and their inability to address the misalignment of the interest of shareholders and that of the management.

The anti-graft move against one of India's top private banks may help back the government's contention that it is agnostic when it comes to acting against corrupt businessmen or bankers. But at a time of a nascent recovery in the banking sector, and when credit appraisal skills are at a premium in many lenders, it should not be that all these lead to bankers adopting an ultra conservative approach to lending. The implications of that will be serious — for financial stability, growth and in turn fiscal consolidation. The key is in getting the balance right.

## VOLATILE NATION

The crisis in Venezuela echoes the conflicts — and mistakes — of the past

THIS WEEK, "A kid playing at politics" attempted a Goliathan gamble, setting in motion a chain of events that may have further accelerated the destabilisation of Venezuela, and the rearranging of the global power equation in a manner reminiscent of the Cold War days. The "kid" in question is Juan Guaidó who this week declared himself the interim president of Venezuela. In so doing, he challenged the leadership of President Nicolás Maduro — two weeks after Maduro, who has referred to Guaidó as a kid in the past too, was sworn in for his second presidential term.

Maduro assumed the presidency following the death of his mentor, Hugo Chávez, in 2013. Ever since, he has seen the economic fortunes of the oil-rich nation slide further. There was corruption and mismanagement, intense centralisation of power and a severe clampdown on dissent. In 2017, Maduro shunted the Opposition-controlled legislature, the National Assembly, by ordering the development of a new legislative body — the Constituent Assembly. In May 2018, Maduro won a re-election in the midst of economic and humanitarian crises that have increasingly buffeted the country. The IMF expects Venezuela's inflation rate to touch 10 million per cent in 2019 — one of the worst cases of hyperinflation in recent history. According to the United Nations migration agency, upwards of three million people have left the nation since 2014. It is against this fraught political backdrop that Guaidó, a staunch critic of Maduro and Chavez, was elected president of the National Assembly this month.

The US was the first to recognise Guaidó as president minutes after his declaration. A slew of Latin American nations with conservative regimes have also supported Guaidó, including Brazil, Argentina, Chile, Colombia, Peru and Costa Rica. Canada, too, is on the side of Big Brother. The line-up on the opposite side features Russia, China, Iran, Syria and Cuba. One doesn't need to travel too far back in time to remember how Latin America in general, and Venezuela in particular, served as proxy war grounds in the 1940s between the US and Soviet Russia. That Venezuela is home to the world's largest oil reserves also assumes significance with the US in the frame. The US must be careful — in 2002, a failed coup in Venezuela was traced to senior officials in the then US government. Given the volatility of Venezuela right now and its checkered past, the US must act with responsibility.

## INTO THE SUNSET

Krishna Sobti's ability to listen in, articulate the nation's soul, will be missed

WHEN KRISHNA SOBTI died on Friday, India lost more than a doyenne of Hindi writing who saw four generations and in her own words, a "thousand sunsets". She had refused the Padma Bhushan during the UPA's tenure. The winner of the Sahitya Akademi award, she was equally happy to give it up too when, in the wake of murderous attacks on rationalist writers and a rampant terrorism in the name of religion, Kannada writer, MM Kalburgi, Sobti's "Mitro Marjani", a bold expression of a married woman's desires, could have led people to cast Sobti as a "women's writer". But she was not to be slotted. Her voice, often writing as a man, under the pseudonym, Hashmat, retained fluidity. Her legendary 'Zindaginama', over which she fought a court case regarding copyright with the other literary great, Amrita Pritam, remains a landmark in Hindi literature.

Sobti is among the last of her generation to go — those who connect 20th century India to its birth in 1947. She recognised the immense power of being a writer and chronicler of the tumult that India faced, especially in North India at Partition. Born in Pakistan's Gujrat, her latest 'Pakistan Gujrat se Bharat Gujrat', was more than just a clever name. It hinted at India's regression from self-confident secularism towards a pale imitation of Pakistan's ideals. Unlike many successful writers happy to limit themselves to nostalgia, Sobti embraced all the years of her life. Her comments and concerns on seeping majoritarianism were as sharp today, as was her take on what happened when India was partitioned. Her ability to listen in and chime with the nation's soul will be missed immensely.

IT IS AN act of piety to think of our constitutional founding in grand terms. Does it mark a new beginning? Does it give India a new identity? Does it articulate a new horizon of justice? We all have our professional predilections in terms of which we judge the Constitution. Philosophers see the Constitution in terms of neat first principles, politicians as messy political compromises. Economists will get exasperated at its inefficiencies, and lawyers see it as anything that will convince whimsical judges.

We speak of the Constitution as if it were a thing: A self-evident truth, recourse to which can resolve all our disputes. We ask: What does the Constitution "say"? If we just discovered what it says, it would bind us. Or sometimes we veer to the opposite view. The question is not what the Constitution says. But what we can get the Constitution to say. It does not make us, as much as we make it.

We often appeal to the people in underwriting the authority of the Constitution. After all, it is promulgated in our name. But who is the "people"? The abstract sovereign invoked as authors of the Constitution? Or those whose lives it seeks to regulate? Or is it even a single people at all, rather than a multitude of groups, each jostling to set the terms of the social contract that will underwrite the Constitution? Sometimes we even quarrel over who is included or excluded in the "people."

Then there are the substantive disagreements. Is the Constitution a charter of liberty? Or does it give as much licence to regulate liberty in the name of public order? Is it an instrument of radical equality or is its aspiration more ameliorative? Does it protect property or threaten it? If so, whose property does it protect? Does it limit state power, or give it more unchecked licence than necessary? Does it aim to mould society in a rationalist image, where every association should correspond to constitutional norms? Or does it have a more pluralistic vision, preserving a core of political equality while letting a myriad social forms, some liberating, some oppressive, bloom? Does it give religion too much space or does it marginalise it too much? Does it claim to expand the zone of

individual freedom or does it reinforce the tyranny of compulsory identities?

Does it enjoin a separation of powers or does it let judicial power ride roughshod over everything? Does it protect India's federal diversity or is it the handmaiden of a centralising project? Should minority rights be construed as protection against discrimination, or privileges that carve out special exemptions? Does the practice of our secularism reflect the Constitution or does it constitute a betrayal? What is this thing called basic structure? Is it the substance of democracy or does it extend to forms as well? Is democracy basic structure, or the parliamentary form of it? Does constitutional language extend to everything from tort claims to mundane administrative law?

Then there are the large questions outside of the Constitution. Does this Constitution meet Indian society at least half way? Are some of its provisions too early in our development or too late? Who makes the Constitution? The Constitution that is imagined by marginalised groups as a charter of their emancipation or the Constitution imagined by the privileged as stalling revolution? And what about those dark spaces of conflict and violence, where constitutionalism breaks down? What about constitutional violations made in the name of ensuring the Constitution does not become a "suicide pact"?

How does a Constitution produce its own order? Where is the Constitution made and unmade? In the casuistic reasoning of lawyers? In the popular imagination? In parliament? There are also other paradoxes. Constitutions are meant to usher us into the future; they belong not to "past dawns but to noons of the future," to use Aurobindo's phrase. But many would argue they are modernity's form of ancestor worship: We feel bound by decisions taken in the past. We mythologise them to have an eternal hold over us. When we say something is unconstitutional, the implicit claim is that if something has to carry normative authority it must be in the Constitution; even the change in Constitution must be contained within it to carry any authority.

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dits: Trying inventively to show that everything that is of normative value must already be contained within the Vedas. Warring parties in a religious conflict claim God to be on their side. Woe betide anyone who does not claim the Constitution to be on their side. Both radicals and conservatives want to claim it.

So given these inner conflicts of our constitutional inheritance, what precisely did we inherit on January 26 1950? To be sure, one can tell a whiggish story. The Constitution is a slow but steady expansion of liberty and equality, institutionalisation of an accountable state, and the creation of a new collective power that is capable of acting in concert to chart its own destiny. Its success is that it has endured, different parties repose their faith in it. There is much that is true and empowering about this story.

But behind our constitutional experience is a deeper and messier story. For the truth is what we got in 1950 was not settled precepts, total emancipation from the past, or moral truths that are self evident to everybody. What we got was what constitutional scholar Elvin Lim, in another context, once called a lover's quarrel, that has both romance and exasperation, mutual commitment and an occasional sense of betrayal, the easy contempt that comes from familiarity, and the mystery that comes from indecipherability.

The constitutional project is not a leap of faith in a thing called the Constitution, it is a leap of faith in each other. Its controversies cannot be settled by something called "the constitutional text"; it can be settled only by a mutual consensus. When we say the Constitution is in danger, what we are really saying is not that we violated the injunctions written down by some dead people. What we are really saying is that we risk falling out of love with each other — we no longer cherish the quarrels, we long for civil war. Saving the Constitution is not about saving a text, it is about renewing a commitment to each other, or to use that most neglected constitutional word: Renewing fraternity. Happy Republic Day!

The writer is vice-chancellor of Ashoka University

## AFTER US LEAVES KABUL

The rise of Afghan Taliban poses a threat to both India and Pakistan



KHALED AHMED

AMERICA IS THINKING of quitting Afghanistan because its soldiers are too expensive to send abroad. It stands to save \$43 billion annually if it leaves. Pakistan is scared of what will happen if America really quits and Afghanistan returns to its heroin-sustained warlordism. The Afghan Taliban are winning on a daily basis and control half of the country, eying the 250,000-strong Afghan army as future Taliban. India has presence in Afghanistan after the construction of the game-changing Chabahar Port in Iran and the highway that links it to Kabul.

Three South Asian Association of Regional Cooperation (SAARC) members — Afghanistan, Pakistan, India — could have cooperated but are poised to fight instead. And it is difficult to say who will fight who. The Taliban have warriors in their hordes who have come from the Middle East and Central Asia; and there are ISIS-Daesh and Al Qaeda still operational in the country, threatening all the three SAARC members. China is the next economic presence in Afghanistan after India, and Turkey is eyeing an opportunity to play its role to safeguard the interests of Afghanistan's Turkmen-Turkic community whose leader Rashid Dostum has been vice-president of Afghanistan and chief of the Afghan army.

Rebellious Pakistani Taliban, safely located in northwestern Afghanistan, has hurt Pakistan as no one else in Afghanistan. On December 16, 2014, six of its gunmen attacked the Army Public School in Peshawar, killing

132 children. The killers included one Chechen, three Arabs and two Afghans. This was the final trauma that changed the thinking of the Pakistan army and forced it to question why the Afghan Taliban were allowing the Pakistani killers to live on their territory. Embarrassed by the fact that "enemy" America was killing them instead with drones, Pakistan no longer viewed Afghanistan as its "strategic depth" against India, which had snuck into this "depth" and thrown a front-and-back challenge to Pakistan.

Chief of Pakistani Taliban, Baitullah Mehsud, who engineered the assassination of Benazir Bhutto in December 2007, was killed by an American drone in August 2009. (In 2017, Pakistan actually acquitted the men he had sent down for the assassination!) The most wanted terrorist chief of the Pakistani Taliban, Hakimullah Mehsud became the next victim of the American drones, despite Pakistan's protests (sic!), in November 2013, after he had captured and personally executed two ex-ISI officers.

No one could communicate with the Taliban. America couldn't rely on them even after they had done the job of defeating the Soviet Union. It turned on them finally after 9/11. Pakistan thought they could get anything done in Afghanistan through the Haqqani clan but found that the Haqqanis instead had an ideological plan of their own. When the Taliban ruled in Afghanistan, Pakistan's own jihadi underground in the

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The writer is consulting editor, Newsweek Pakistan

## JANUARY 26, 1979, FORTY YEARS AGO

UP GOVT CRISIS THE JANATA GOVERNMENT was thrown in to a serious crisis in Uttar Pradesh with the Chief Minister Ram Naresh Yadav asking for the resignations of the ministers for home and local self-government and two deputy ministers. Ganesh Dutta Bajpai, minister for local self-government, and Babu Lal Verma, deputy minister for rural development have already resigned in response to the CM's letter. Home Minister Ram Singh and Deputy Education Minister Malti Sharma have not resigned. Bajpai and Ram Singh belong to the erstwhile Bharatiya Lok Dal while the two deputy ministers, Verma and Malti Sharma, belong to former Jana Sangh.

JANATA SURPRISED THE JANATA HIGH command sharply reacted to the UP chief minister's move to throw out four ministers from his Cabinet. The party general secretary, Ramakrishna Hegde, wrote to Ram Naresh Yadav asking him to explain why he had decided to take action against colleagues.

PRESIDENT'S SPEECH PRESIDENT N SANJIVA Reddy called for fulfillment of the basic minimum needs of the rural masses "without further delay". In a message broadcast on the eve of the nation's 30th Republic Day, he spoke at length on India's villages, the hard-working farmer, his



# 15 THE IDEAS PAGE

## Don't fire from SC's shoulder

Fighting social ills needs engagement with communities, throwing the Constitution at them won't help



RAMESH VENKATARAMAN

LIBERALS WHO ARE sincere about religious reform should be wary of firing off the shoulders of the Supreme Court and the state.

I write this as a liberal who has made the pilgrimage to Sabarimala. I unequivocally support the right of all women devotees to worship at the shrine. As a confirmed brahmachari, Ayyappa is surely resolute enough to not be perturbed by female devotees in their menstruating years seeking his darshan without needing the protection of his more conservative followers, let alone the Sangh Parivar!

But India's liberals are at risk of scoring a massive own goal on Sabarimala. By cheering on the Supreme Court and the Kerala government's ramming through of changes that cut across deeply-held beliefs of Ayyappa devotees — rather than engaging with them, left-liberals are actually compromising the prospects for religious reform. They are risking the credibility of the courts and undermining our secular democracy.

Of all the targets of liberal ire, Sabarimala is amongst the least culpable. No Hindu shrine that I have been to is less "brahmanical" and more syncretic and inclusive (of course, other than for women aged between 10 and 50). People of all castes and creeds have been observing the 41-day vratam and making the jungle trek to the temple for centuries. The singer KJ Yesudas, who is Christian, is a long-standing devotee, as are many Muslims and a visit to the Vavar mosque in Erumeli is an integral part of the pilgrimage. There is little visible money or political influence on display (such as one witnesses, for instance, at Tirupati with its multiple levels of VIP and paid access). Everyone, rich or poor, powerful or plebeian, enters the temple up the same steep 18 steps bearing their *irumudis* on their heads. One has to experience trekking up the hilly path amidst throngs of unshod, black *mundu* clad, and ecstatically chanting devotees to grasp the unique camaraderie and classless spirit that characterises Ayyappa pilgrims.

Sadly, too few liberals who ridicule Sabarimala's "patriarchal" practices are aware of its egalitarian and progressive ethos. This is not to gloss over the temple's restrictions on women but rather to point to a missed opportunity for how Sabarimala's doors might have been opened to all women by drawing on its richly liberal heritage rather than dissing it. After all, the ban on women aged 10-50 is out of kilter with the Ayyappa tradition's tribal roots, inclusivity, and bhakti lineage.

Had the leftist lawyers who originally brought the case engaged as fellow devotees with the community of Ayyappa worshippers rather than resorted to the courts, they may well have persuaded them to throw open the shrine to all women regardless of age. Such empathetic and respectful engagement, accompanied by moral pressure and even peaceful protest — worshipper to worshipper — is harder than filing a court petition. Even if a sincere effort to win over Ayyappa followers had failed, it would have given left-liberals the legitimacy to seek legal redress. Instead, the current approach comes across as nothing but mischievous troublemaking by provocateurs who don't respect, let alone share, the beliefs of Ayyappa devotees. In the end, it is doubtful that the Supreme Court judgment in the Sabarimala case will do much for gender equality.



Suvajit Dey

It is absolutely the case that over the last two centuries the colonial government and its successors in independent India had to step in and ban pernicious practices such as sati, child marriage, untouchability (and the related prohibition of temple entry for Dalits), bigamy, and dowry even when these were portrayed as "essential practices" of Hinduism. But these are all physically and economically harmful practices which unfettered entry for women into Sabarimala can hardly be classified as.

When we cross into the terrain of illiberal — but not obviously harmful — beliefs and practices, the courts and the government need to exercise restraint. By wading into thorny matters of doctrine and tradition, on which it has little expertise, the Supreme Court will only damage its credibility. We can see this in the tortured reasoning in the Sabarimala verdict, for instance, on whether or not Sabarimala worshippers constitute a distinct religious community or whether they are part of the multi-layered, diverse, and overlapping strands that make up the Hindu tradition.

Equally, dragging the state into matters of faith opens the door to a religious state. The subtext of the Sangh Parivar's campaign in Kerala against the enforcement of the Sabarimala judgment is that Hindus are under threat unless secular India becomes a Hindu Rashtra.

None of this is to suggest that liberals should not challenge the many discriminatory practices that continue to prevail — be it the absence of women priests in our temples, mosques, and churches, or the persistence of caste-considerations in marriages. But in a secular state such as ours these practices have to be fought socially and politically rather than, in the first instance, legally by throwing the Constitution at them.

Kerala has a proud tradition of exactly

The fact that liberals believe that they are in the right does not mean that they do not have to convince those who do not share their views. This is the way a liberal democracy is supposed to work. The sort of left-liberal zealotry that we are seeing in the Sabarimala case springs from the same soil that patronises adherents of faith and tradition as hidebound reactionaries incapable of sharing liberal values. It has only provided oxygen to the divisive machinations of the Hindu right.

this sort of social campaign against caste-based exclusion. In Tamil Nadu, the Dravidian movement used its political strength and the popular appeal of its ideology to significantly roll back the social dominance of upper castes. Abroad, the Anglican Church has admitted women to the priesthood because, after years of debate, the congregation was persuaded, not because of British court judgments or pressure from the government.

The more that reformist efforts tap the resources within the religious tradition that they seek to change, the more likely they are to be effective. Dalit priests are increasingly found in temples in the south not least because modern-day reformers have cited the narratives of "untouchable" saints in the Vaishnava Alvar and Saiva Nayanar canons.

Overall, and especially in matters of faith, the fact that liberals believe that they are in the right does not mean that they do not have to convince those who do not share their views. This is the way a liberal democracy is supposed to work.

The sort of left-liberal zealotry that we are seeing in the Sabarimala case springs from the same soil that patronises adherents of faith and tradition as hidebound reactionaries incapable of sharing liberal values. It has only provided oxygen to the divisive machinations of the Hindu right. Ultimately, it may fuel the same sort of political backlash against liberal mores from religious-minded traditionalists that is being witnessed in previously-secular countries such as Turkey, and, jeopardise much-needed progress on social and religious reforms in our country.

The writer is a private equity investor and on the Board of Governors of the Oxford Centre for Hindu Studies. Views are personal.

## WHAT THE OTHERS SAY

"The road to Davos is treacherous but can yield fruits if leaders are sincere" — CHINA DAILY

## Republic of unfreedom

Our political class has failed to uphold civil liberties. It counts on the people's apathy on the question



SUHAS PALSHIKAR

IT IS CUSTOMARY to celebrate Republic Day with a display of state might. When the practice began, there must have been a benign hope that the state represents the people and also takes it upon itself to strengthen the essence of citizenship — personal liberties. The irony behind this is two-fold. One, it side-tracks the essence of democracy — the power of citizens. Two, the state often turns out to be the main threat to citizen power.

This irony gets grotesquely represented through current happenings within the republic. The new year began with the determination of the state to employ two different legal instruments to handle views the establishment abhors. Sedition law is invoked to implicate JNU students and action against activist-intellectual Anand Teltumbde advances on the basis of UAPA. Hiren Gohain, another activist-intellectual, is also slapped with sedition charges. "Urban Maoists" arrested last year are yet to be formally charged and tried. They languish in custody, without legal recourse. A journalist from Manipur has got a jail term under NSA.

Beyond the lament, a critical question stares us in the face. How do we reconcile the democratic enthusiasm of large sections of the citizenry with a pathetic acceptance of state power that jeopardises the democratic spirit?

There is no denying that India is a vibrant democracy in terms of political competitiveness and citizen assertions, mainly through the ballot but many a time by taking to the streets in order to tame state power. But in spite of this vibrancy, our record is not very robust when it comes to demanding the rule of law, subscribing to a liberal ethos and supporting the freedom of expression.

A study conducted by Lokniti-CSDS around 2014 brings this contrast in sharp focus. Asked to choose the "essential characteristics" of democracy, citizen-respondents gave much lower preference to ideas involving individual freedom. Thus, compared to elections (identified by over 24 per cent) and narrowing the gap between rich and poor (almost 23 per cent), only 18 per cent thought that free expression is an essential characteristic of democracy. Similarly, freedom to organise politically was seen as essential to democracy by 17 per cent per cent compared to fulfilling basic needs (31 per cent) and free media was understood as an essential feature of democracy by only 16 per cent compared to "law & order" (22 per cent) and provision of job opportunities (21 per cent). Governance and welfare trump individual freedoms when it comes to imagining democracy.

In the context of such disinclination among citizens to actively press for liberal norms in the public arena, the state, political elites and functionaries of political institutions need to carry the extra burden. That perhaps was also the expectation of the founding fathers who believed that while citizens are bound to have a set of priorities governed by the exigencies of social inequalities and livelihood challenges, the responsibility of enlivening a liberal ethic in political practice would have to be shouldered by the elites.

Looking back, the elites and our political institutions have failed in fulfilling this re-

sponsibility. Instead of being custodians of freedoms, both political elites and institutions have used this absence of public enthusiasm for civil rights as a fig leaf to construct the idea of democracy in an insidious way: In the Seventies, the fictitious duality of "bread vs freedom" was presented. That moment allowed for a distortion of democracy. Down the line, without formally pronouncing it, murmurs of a hierarchy between group rights (understood mainly in terms of identity rights) and individual rights gathered strength. The entire question of reform of Muslim personal law was sacrificed at the altar of group rights and freedom of expression has often been sacrificed for the hurt sentiments of various communities.

This tedious and often treacherous downplaying of civil rights was reflected in the false dichotomisation of Fundamental Rights and Directive Principles, a weak rights movement and the non-existent civil rights organisations. In fact, struggles for civil rights are seen as the arena of some quirky activists. The invocation of rights by groups propagating radical political changes and/or a separate political existence further contributed to the popular alienation from the cause of civil rights.

The emergence of the framework of "terrorism" legitimised the state and its institutions in employing more and more stringent and arbitrary legislation giving powers to the police. This framework facilitated the practice of combining conspiracies, mass violence, protests and anything the establishment does not like, as an "unlawful" act. The history of TADA, POTA and UAPA is testimony to that. The present regime has been gleefully using the instruments of sedition law and UAPA. This usage is deeply ingrained in its understanding of the idea of nation-state.

But before we critique the current regime, this long history of institutional apathy or even antipathy to civil rights and the institutional proclivity to apply harsh laws against inconvenient political protest needs to be remembered. In fact, the collective failure is in our inability to appreciate the politics that informs many so-called terrorist acts. Whether in parts of the Northeast or in the Maoist-affected belt, the actions that get named as "terrorism" emanate from a politics we are neither able to understand nor respond to. Hence, police and military solutions are brought in. Add to this a majoritarian and falsely nationalistic imagination and you have the recipe for a full-fledged assault on civil rights.

Its political opponents find it convenient to find fault with the present government in these matters, but they lack sincerity because they would be willing to use the same legal-institutional instruments to demean civil liberties (as in Odisha and West Bengal). Thus, the plight of civil liberties in India represents the dual abdication by the political class.

First, through its unwillingness to uphold civil liberties, our political class has ensured that the ideological space of democracy would not expand. Two, by consistently engaging in dubious practices of not only legislating bad laws but also the ideological practice of relegating individual rights as second order rights, our politics and political classes have helped in shaping a distorted idea of democracy. The many contemporary instances of state assault on civil rights should therefore be a grim reminder of this narrow imagination and distortion of the democratic idea from which the republic suffers.

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MRINAL PANDE

## A gateway to Ganga-Jamuni vista

Krishna Sobti's work exposes the horror of a segregationist regional jingoism

I WAS A precocious teenager when I first read Krishna Sobti. My mother gave me her *Daar Se Bichhadi* ("Separated from the Flock"). Read it and you will see why the Chaudhary family next door looks so sad and lost, she said. The family she referred to was a zamindar family that had been forced to migrate to our little hill town all the way from Deran Gujranwala in Pakistan. Their men had been offered the mosquito-infested Terai lands nearby, which they turned into a lush thriving expanse of farm land. The women though never quite recovered from the trauma. I resented my mother's interference in my intellectual life. I preferred my own freely chosen books. But when I finally began reading it, the lyrical language laced with Punjabi, the mythic imagery and the love tribulations of women at Partition knocked down my literary defences.

Women, Sobti's books like *Daar Se...*, *Mitro Marjani*, *Yaaron ke Yaar* and *Dil o Danish* told me, forget the things melancholic men remember. But they do remember everything they do not want to forget. They then go on to act and do things accordingly. My resistance to dialogue fostered by much of the English fiction I read collapsed before Sobti's fine ear for colloquial Punjabi or old Delhi's hybrid speech. Out of the mouths of unlettered women she finds the bliss of wisdom lightly worn and sneeringly dispensed: "Mitro stood watching,

Then she clapped her hands and winked at her brother in law, 'Oh I bow to thee Foolan the queen, I bow to you. Ve Gulzari, your queen has no heart murmurs, nor a belly ache or weakness. This is a deep display of character... This thief Gulzari, is going to rob you of your mind if you remain such a clod!'"

"Foolan began to roar like a wounded tigress. Those that find my illness false, may her own life and eyesight go! May her liver burst with pain!"

"Shut the hell up woman, Mitro said to her, cut out the theatrics and try to produce a man child!... Then she began laughing, your mother-in-law is a real cow. Don't breathe poison before her. I know how you enjoy yourself at night and then create a Mahabharat in daytime!" (*Mitro Marjani*).

By the time I met her in Delhi, Sobti was already a legend. Short and portly with her signature shades, she dressed in her own kind of sartorial elegance in colourful gharara kurtis and dupattas laced with gold or silver. Her lovely mouth was ever ready to quit its ironic sneer and burst out laughing. She purged the punditry-ridden Hindi literary scene of the 1980s dominated by upper caste men and introduced a wonderful colloquialism that Hindi had been forced to shed post Partition. She brought back to Hindi its regional variations, injecting into it a good dose of robust

Punjabiya, the mellifluous Urdu of Old Delhi and, occasionally, the lilting tones of the East.

Above all, Sobti helped the likes of me to let go of the usual Hindu objections to describing love tribulations of ordinary women. The story of her female protagonists progresses through several marriages, mistressships confronted us with the significant idea that the choices men and women make in choosing partners stretch beyond romance into different values, hopes, argumentative possibilities and sex. The rapture of sex and the excruciating agony of unsatisfied women like Mitro finds unabashed expression in her writing. The good writer, I learnt from her, diagnoses weakness where her protagonists themselves do not feel it, much less describe it clinically. She rejected a neutral universal Hindi and wrote unapologetically in the Punjabi-inflected dialect in which she was raised. Few know today that she was the fountainhead of the Punjabi Hindi Manohar Shyam Joshi's characters spoke in *Buniyad*, his fabled serial on Partition.

Sobti's works will remain pan Indian reading because her writing is neither self-conscious nor restricted. She never considered herself a banal victim of the Partition, a female who entered the field of literature with depleted desires and a low self esteem. She did not allow the establishment the convenient

luxury of slotting her as an exotic but mediocre female writer from Punjab writing in Hindi. Whether she writes about Punjab or Simla hills or Darjeeling or old Delhi, she makes "culture", that slow secretion of a mythical tradition uncouth people talk non-stop about, seem natural and organic and simply beautiful like a garden bathed in morning light.

Today, hybridised Hindi as a language of the ordinary people of the entire Indo-Gangetic region, is fighting against its politicisation by the right-wing, which is hell-bent on excising it of all *ashuddhi* (read Urdu, Persian, Arabic, and to some extent, English).

In times like these, Sobti, she of the wise gaze and a deep sense of irony, shines like a patron saint of all immigrants. By bringing alive complicated backstories, multiple narratives, messy histories of the Subcontinent, Sobti warns Indian writers and the academe against the horror of a segregationist regional jingoism, of sacrificing one voice for all others, and last but not the least, the tragedy of gaining a new false language at the expense of the genuine one.

For me, as for many others, Krishna Sobti will remain a gateway to our Ganga Jamuni legacy.

The writer is former chairperson, Prasar Bharati

## LETTERS TO THE EDITOR

### POLITICAL PLUNGE

THIS REFERS TO the editorial, 'Another Gandhi' (IE, January 24). Priyanka Gandhi Vadra's entry into politics may appear a dynastic succession, but it is also a trial by fire. After the BSP-SP decided to forge an alliance without including the Congress, there were apprehensions in the party's camp. Priyanka's entry could be the answer to the prayers of the loyal flock of Gandhi family. Priyanka may have to suffer on account of her husband's alleged improprieties, but she has shown a capability to get over such hurdles. She has to realise that the BSP-SP alliance in Eastern UP will be formidable, and the BJP is resting its hopes on the political clout of Modi-Yogi duo in UP. A recourse to the Nehru Gandhi family name alone will not work. The Congress will have to spell out its secular vision to stamp out communal politics.

P.L.Singh, Amritsar

### DEBATING A QUOTA

THIS REFERS TO the article, 'Righting reservation' (IE, January 24). The argument over the loss of merit due to inclusive policies of reservation is an old one. It is surprising that an illustrious professional has taken such a narrow-minded approach. Constitutional debates, census reports and the politics of the country in general offer ample ex-

### LETTER OF THE WEEK

#### NEED OF THE HOUR

THIS REFERS TO the editorial, 'Question of answers' (IE, January 22). There are a number of loose ends in the opposition alliance. But it is a good calling, though a very tough one. Good because it offers a chance to fight the BJP as a united opposition. Tough because there are so many magnets which are not yet fully aligned. That is why there is still no mention of the PM candidate or an alternative political agenda. The biggest challenge for the "mahagathbandhan" is to overcome their personal interests and remain united despite all the pulls and pressures, and deliver a knock out blow in the 2019 elections. A strong opposition is a must for a healthy democracy.

RD Singh, Ambala

amples to show that reservations are about providing a level-playing field and not handing out trophies irrationally, as the author suggests.

Manan Mipun via e-mail