



IT IS A WELL-KNOWN FACT THAT THOSE PEOPLE WHO MUST WANT TO RULE PEOPLE ARE, IPSO FACTO, THOSE LEAST SUITED TO DO IT. — DOUGLAS ADAMS

The Indian EXPRESS

FOUNDED BY

RAMNATH GOENKA

BECAUSE THE TRUTH INVOLVES US ALL

2019, the irony

With Opposition in denial of changes after 2014, a defeat of BJP in 2019 may not ensure defeat of BJP project



SUHALS PALSHIKAR

THE 2014 ELECTIONS produced a government which subsequently expanded its limited mandate. They also considerably complicated Indian democracy. It is worthwhile to ask if the 2019 elections are likely to strengthen democracy.

Five years ago, the BJP rode to power on the twin advantage of leadership and anti-incumbency. Both these issues tapped into the aspirations of young voters and sections that imagined a middle class location for themselves. Today, the BJP goes to the voters not as a challenger but as a defender. In all probability, it can hide behind the argument that there is no alternative and that an "unprincipled" coalition is only interested in removing the ruling party.

So, the elections might involve a competitiveness that was absent last time. But if we were to think beyond winners and losers, the relevance of the 17th Lok Sabha elections may be measured by contextualising them in 2014.

The 2014 elections need not be remembered only for the defeat of the Congress-led UPA government. They stand out in India's electoral history as one of the few critical elections that had the potential to change both the nature of competition and the nature of politics. This happened in at least five ways.

The elections of 2014 brought back the leadership cult to national politics almost after three decades. Two, both during the campaign and through the entire term, those elections ensured that politics was reduced to optics. Three, resulting from what the elections produced, there has been a capture and erosion of institutions that in some respects even surpasses the dark period of 1975-77. Four, the last elections brought to the forefront a shrill public opinion impatient with nuance. For a large number of voters who chose the BJP over other options, these were arguably not the things they had bargained for.

But, above all, the last elections brought about the discourse of "New India". This New India would probably have all the four elements mentioned above. But, more specifically, it nurses and encourages a sense of injury. It brought to the forefront a wound caused (to some political groups) by the imagery of India that originated in India's na-

tional movement. It is indeed true that what remains today of the so-called idea of India is only a set of platitudes. This degeneration is the result of neglect of that idea during the Seventies and Eighties. Yet, the Modi-Shah led BJP has been uncomfortable with even the vestige of that ideological component of the national movement, so much so that the last five years have witnessed a constant ridiculing of that idea in the name of New India.

In the New India being imagined, the defining feature has been a majoritarian idea of political culture. Like the contested idea of India, this idea, too, is not confined to formal governmental power; going beyond that, it presupposes a redefinition of the social relations and restating of the relation between citizen and nation-state. While the rhetoric about New India has thus been inaugurated, 2014 was not about this transformation. Neither the BJP campaign nor the support it received hinged on the ideological battle that the BJP subsequently crafted.

As we enter the campaign for the next elections, it is important to remember this historical context. In a sense, the last elections brought about what the voters did not demand, expect or imagine. We may expect three ironies during and from the 2019 elections.

With the perceptible change in public opinion that the last five years have brought about, voters would now be expecting a certain type of democracy. This expectation would encourage the BJP at the grassroots level to take recourse to a more acerbic, exclusionary and sectarian argument as its key offering. While this may please the hard-core Hindutva elements within the BJP, the real irony would be that this voter expectation would discourage the Opposition from joining the debate with the BJP on the issue of an exclusionary and majoritarian idea of our collective self. The Opposition would be tactically focusing on the "economy" — where it may have valid arguments against the ruling party — but the Opposition would not be a real Opposition in the sense that it would not challenge the BJP on the most critical change it has brought about. They would not seek a mandate on fundamentals.

A corollary would be that while among the BJP's voters this time around many would be explicitly driven by the attraction for the

majoritarian logic and the exclusionary turn, votes against the BJP would be least driven by any steadfast association with the inclusionary logic. This suggests that while the elections would be competitive in terms of party competition and vote shares, they might actually be one-sided in terms of ideas propounded and arguments joined. The Opposition, instead of contesting the BJP's imagination, may choose to squeeze itself into the same ideological space that the BJP operates in. While this could help the non-BJP parties to win seats, they would be losing the real battle. One is not sure if they really want to fight that battle.

This leads to the third and more serious irony. If the BJP retains power, whether with a reduced strength or otherwise, that will entrench the idea of New India. Already, public opinion has perceptibly changed and the proponents of exclusionary majoritarianism have become self-confident. The bursts of vigilantism are not merely manifestations of lawless enthusiasts, they represent an assertion of majoritarian claims.

With another victory for the BJP, the India of 2024 would be unrecognisable from the India of, say, 2004. Pre-2004 India did have its majoritarian moments, of 1992 and 2002, but India of 2024 would have made such majoritarian assertions "normal" parts of India's democracy. This normalisation of sub-democratic politics would be the logical outcome of another term for the BJP.

But, and ironically, a defeat of the BJP government in 2019 may not ensure the arrest of these trends. It is uncertain if such a defeat will weaken the BJP's project of reimagining social relations or result in strengthening the democratic imagination. This uncertainty is not merely because of the cunning of the BJP or lack of conviction among its opponents. It stems mainly from the way issues will be framed and debates designed in the course of the campaign. Afraid that they would unsettle the majority sentiment, the non-BJP parties would choose to look the other way as far as the crucial outcome of 2014 is concerned.

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A TICKET TO RISE

BJD decision to field 33 per cent women in elections is enormously welcome, must be imitated by other parties

WOMEN ACCOUNT FOR 49 per cent of India's 90 crore voters; the turnout of women voters has risen sharply over the years, and was the highest ever in the last Lok Sabha elections (at 65.5 per cent). But India's representative democracy has defiantly refused to accord political equality to women — less than 12 per cent of its Lok Sabha legislators are women. Odisha Chief Minister and BJD chief Naveen Patnaik's decision to field 33 per cent women in 21 seats in the coming general elections is, therefore, a landmark move — one which must be embraced heartily by the political mainstream.

Patnaik pointed out that he was walking the path laid out by his father, the late Biju Patnaik, who was among the first votaries of 33 per cent reservation for women in panchayats. That idea travelled well, and the reservation was raised to 50 per cent of seats in several states. There were naysayers aplenty — with the commonly-held patronising belief that women would only serve as proxy candidates for male relatives. But the panchayati raj experience shows otherwise — more women have taken up leadership roles at the micro-level, despite obvious barriers, such as the (recently-scrapped) minimum education criterion to contest the polls in Rajasthan. That has created a critical mass of politically engaged women which is, perhaps, reflected in voting turnouts and in assertive demands — for instance, the push for prohibition in several states. But what after? The roadmap from panchayat to assembly and Parliament was never laid out — parties dodge the question with excuses such as winnability of candidates, while a closed political system remains most pliant to money power, family connections and, sometimes, simply the XY chromosome. The UPA government introduced the Women's Reservation Bill in 2008 — and then shut the door on it. In this backdrop, the BJD has shown a way out of chronic tokenism over women's political participation — if passing a bill to reserve seats for women is too much hard work in these polarised times, each party must push more women candidates into the fray.

Over the years, one of the successes of Indian democracy has been the way it has expanded to accommodate and articulate various interests — the upper-caste veto on politics, for instance, has been seriously challenged. But this push towards inclusivity has comprehensively excluded women, with whom political parties rarely even hold a conversation. True, there is no monolithic category of Indian woman, who is shaped by her caste, language and class location. But that diversity of political ambitions and needs — even the contestations over it — must be reflected in the making of policy and laws, and in assemblies and Parliament. Even the existing system has thrown up strong leaders such as Mamata Banerjee, Mayawati, Jayalalitha, among others, who stuck on at great personal cost to themselves. But a new generation of Indian women is ready to embrace their ambitions. It is time for political parties to open their doors.

A REGRETTABLE ORDER

Response of Meghalaya HC to stories in the 'Shillong Times' must be reconsidered and reviewed

ON MARCH 8, the High Court of Meghalaya found guilty of contempt Patricia Mukhim and Shobha Chaudhuri, editor and publisher, respectively, of the venerable *Shillong Times*, which has been in print from before Independence. The bench found two stories published in the newspaper contemptuous, headlined "High Court pursues retirement benefits to judges, family" and "When judges judge themselves". The order found the latter headline itself contemptuous, though it is only a variant of the common saying, "Physician, heal thyself," which does not upset the medical profession. In fact, similar sentiments are expressed in the national press every time parliamentarians decide to award themselves a wee bit more.

The sentence combined schoolroom punishment with a serious threat to the press: Under Article 215 of the Constitution, the editor and publisher were ordered to "sit in the corner" until the court rose for the day, and are to pay a fine of Rs 2 lakh each, failing which they would be imprisoned for six months and "the paper so called 'Shillong Times' will automatically come to an end (banned)." This 37-page order, which relies upon a raft of documents, including the Press Council of India's norms of journalistic conduct and Lord Denning's (sic) cogitations on relations between the press and the law, suggests that the very foundation of the judiciary had been shaken. But the stories that the *Shillong Times* published were about the court's deliberations over the perks to be awarded to retired judges, and their extension to their families.

This order was passed despite the offer of an unconditional apology by the defendants. It includes a section on the quality of apologies, and the metrics of their sincerity. But the quality of mercy appears to be strained, and a lack of proportion is all too evident. The sentence is out of scale with the newspaper reports which apparently caused offence, which certainly did not amount to a frontal attack on the majesty of the law. On the other hand, the threat to terminate one of the oldest newspapers in the Northeast constitutes an attack on the press. The order is regrettable, since a court cannot possibly contemplate exerting a chilling effect on the press in a country where the judiciary has a distinguished record of expanding the freedom of expression, and protecting it. The Meghalaya High Court order is unfortunate, needs to be reconsidered and reviewed.

DID YOU KNOW?

A telephone helpline in Kerala may be the answer to a child's curiosity in a digitally-immersive world

HOW DO BIRDS fly? How does a train chug along? Why is the sky blue? As a young child of the digital era, the internet must seem like a shiny pixel-perfect world of information. For children in India, though, especially in Kerala, there's another friend now, with a more human touch: First Question, a telephone helpline launched by the Kerala Forest Research Institute on February 28, National Science Day.

The helpline encourages children to call in and ask questions related mostly to nature and science. It is being handled by 20 research scholars from the institute with help from subject experts and scientists. The initiative draws inspiration from an observation made by social scientist Rajan Gurukkal during a lecture on the "history of learning" in Kozhikode in February. Gurukkal had remarked on the inability of India's education system to encourage students to ask questions. This project carries a contrarian resonance. Digital natives are increasingly reliant on AI-assisted technology to answer queries and help navigate through life. The exchange of dialogue with another thinking individual who understands not just the "factual" nature of a child's query, but also the curiosity of the human mind, cannot be replicated by a string of algorithms.

Denis Diderot had said in 1755 that "one can predict a time will come when it will be almost as difficult to learn anything from books as from the direct study of the whole universe." Diderot found the baggage of knowledge from books too much, then. What chance do young minds have now as they navigate the sea of information in the digital age? A human filter may be the answer in a digitally immersive world.



RAJA MUJEEB UL SHAFIE

IN THE AFTERMATH of the Pulwama tragedy, as Kashmiris were facing attacks merely for being Kashmiri, the statement — "our fight is for Kashmir, not against the Kashmiris" — from the prime minister was a welcome step. This statement was followed by the national general secretary of the ruling party, Ram Madhav, writing an opinion piece (IE, February 26) claiming "every Kashmiri is ours". Except, the PM's statement was too delayed, and Madhav's article too diversionary.

While the BJP cannot help looking at the problem except through the lens of Pakistan, the issue in the context of which PM Modi spoke, or Madhav wrote, is entirely different: Post the Pulwama attack, Kashmiris living outside their home state have found themselves at the receiving end of public anger.

Terming the regional "narrative" of separatism in the Valley a huge problem for India, Madhav shifts the blame for that on to the "regional satraps". Blaming the regional leaders, however, is logically incoherent and factually incorrect. It dismisses the efforts and sacrifices of the regional leaders in their fight to keep democracy alive in Kashmir. Also, wasn't Madhav's party a partner in the government with one such regional leader till recently?

On the issue of Kashmir having a special status, the BJP's best defence is denial. An attempt to paint the accession of more than 540

AMITY, NOT OWNERSHIP

Kashmiris must be made to feel so included that Article 370 matters less

princely states and independent kingdoms with one brush — and one colour — is an oversimplification. An attempt like that completely ignores the fact that not one of those kingdoms or states, other than Kashmir, had a combination of the two compelling factors that could have made it choose Pakistan over India — an overwhelming majority of Muslim population and a border shared with Pakistan. Despite these factors, Kashmir decided to remain with India and that should have made the relationship between India and Kashmir special enough. For those who disagree with this, Article 370 (that guarantees Kashmir an autonomous status) is, in fact, a strong reminder of how special the relationship was and continues to remain.

Madhav himself goes on to explain that while the Article is in place for Jammu and Ladakh as well, it has not perpetuated any alienation or separatism in these regions. Article 370 has not fuelled any separatism in Jammu either, but the people of Jammu have not supported its abrogation as well: They are well aware that if Article 370 is abrogated, Jammu will be the worst victim of the consequences.

Madhav has rightly, though very technically, said that all that is required for the abrogation of Article 370 is a proclamation by the President, but such a proclamation will first have to be passed in the Parliament. That

would be a proclamation for India to alienate its "integral part". The alienation among and of Kashmiris is mostly a consequence of India's military policy towards Kashmir. With draconian laws like AFSPA and the widespread use of pellets, the Indian government is further alienating Kashmiris from India — when the need of the hour is to instil the belief that India belongs to them as well. Kashmiris have come to believe, and rightly so, that if Article 370 is abrogated, two things are bound to happen: One, India will change the state's demographics and then conduct a plebiscite, which would eventually not represent the best interests of the indigenous people of the state. Two, the rights of Kashmiris over their land will be diluted.

So, an approach based on the belief that is needed to abrogate Article 370 all that is required is a presidential order would further alienate Kashmiris. An approach is needed that makes Kashmiris feel so included and safe with India that the need for a special provision like Article 370 is rendered meaningless. "Kashmiris are ours" could be reflective of a mutual, amicable relationship or that of proprietorial ownership. Madhav has used the language of the first type to make a claim of the second type.

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MARCH 12, 1979, FORTY YEARS AGO

PEACE IN PALESTINE US PRESIDENT JIMMY Carter conferred for almost five hours with the Israeli prime minister, Menachem Begin, but no final agreement was reached in the quest for a West Asian peace treaty. Associated Press learned, meanwhile, that preparations were being made to extend Carter's visit in the Israeli capital until Tuesday, a day later than planned. The Palestinian issue, one of a handful that has stalemated completion of a treaty between Egypt and Israel for four months, appears to be the principal obstacle: The question is whether the treaty terms should specify when Palestinian self-rule should be implemented.

URANIUM IN MP MINING FOR URANIUM deposits by the minerals division of the Atomic Energy Commission (AEC) at Bodal in Sarguja district, Madhya Pradesh, has yielded high grade uranium ore, according to official sources. While the AEC investigation for uranium deposits in MP has so far yielded only one site of workable grade uranium ore, survey for uranium is also going on at Dhabi, Dhumat and Jajawal in the same district.

LONG WAVE PROBLEM SENIOR COMMUNICATIONS EXPERTS in five different ministries are trying to find a solution to a ticklish problem — should or should

not India make a case for opening a portion of the long wave band for broadcasting in Region III at the 1979 World Administrative Radio Conference (WARC) due to begin at Geneva in September: India won't have another opportunity to ask for it till 1999 when the next WARC will be held. The issue arose out of All India Radio's proposal for WARC that the 150-285 KHz portion of the long wave band (150-550 KHz) be opened for broadcasting services in Region III which includes most countries of Asia, Australia and New Zealand. This frequency would have to be then vacated by the civil and defence air services and the power distribution networks, who have strongly opposed the AIR suggestion.

13 THE IDEAS PAGE

The burden of innocence

Three courts found six innocent men guilty of a heinous crime, brought them to the brink of execution. India's broken criminal justice system clearly cannot support the death penalty



ANUP SURENDRANATH

AFTER HAVING SPENT most of their 16 years of incarceration on death row, Ankush Shinde, Rajya Shinde, Raju Shinde, Ambadas Shinde, Bapu Shinde and Surya were acquitted and ordered to be released from Yerawada Central Prison by the Supreme Court on March 5. This tragedy was made possible by the fact that three courts — the Nashik Sessions Court, the Bombay High Court and the Supreme Court — between June 2003 and April 2009 had found them guilty and sentenced them to death. However, now in 2019, the SC has taken a closer look at the evidence and set them free while ordering an inquiry against the investigating officer for framing the six men.

This indescribable tragedy that brought six innocent men to the brink of execution must leave a deep scar on our collective humanity. It must force deep introspection on the misplaced righteousness we adopt in responding to crime and punishment and at the very least, must lead to the sobering realisation that our criminal justice system is beset with the possibility of error. In this story, even our highest court upheld their guilt and death sentence and such a grave error must trigger the moral honesty to accept that we are playing with fire by keeping the death penalty in such a system.

Three courts in the judicial hierarchy, including the SC, found the six men guilty of murdering Trambak Satote, his daughter Savita, his sons Sandeep and Shrikant and his nephew Bharat More on the intervening night of June 5-6, 2003. While the Nashik Sessions Court in June 2006 sentenced all six to death, the Bombay High Court took the view that Ambadas Shinde, Bapu Shinde and Surya did not deserve death because they had not raped Savita. However, the SC, speaking through Justices Arijit Pasayat and Mukundam Sharma in April 2009, disagreed with the high court and sentenced all six men to death.

The story that all these three courts held to be true was that these six men attacked Trambak Satote, his wife Vimalabai, their four children (three sons and a daughter), and their nephew and murdered five of them. Vimalabai and her son Manoj survived the attack and went on to identify all these six men except one by picking them out of a police line-up (TIP/Test Identification Parade). They also later identified them in court and these eyewitness testimonies lie at the heart of finding the Shindes and Surya guilty. Eyewitness testimony in cases like this is akin to gold dust and is considered to be strong evidence in trials.

But what happened with the eyewitness testimonies in this case that the SC acquitted the six men last week? Did Vimalabai and Manoj lie that they saw these men that night? Were they made to give false testimony? The bench comprising Justices A K Sikri, Abdul Nazeer and M R Shah has now come to the conclusion that the investigating authorities deliberately framed these men. And the key to this was the finding that Vimalabai, two days after the incident, identified four completely different men from



CR Sasikumar

among photographs of those with a criminal record shown to her by the police. However, these six men (the Shindes and Surya) were identified by Vimalabai and Manoj much later. As a result, 10 different men ended up being identified between the two eyewitnesses but it was always the case of the investigators and witnesses that there were only six men that night. And therefore, the identification and eyewitness testimony was clearly fabricated.

A lot of evidence at the crime scene that could have been subject to forensic analysis was either not sent to the labs or their results were not produced as evidence. None of this will surprise those who work closely with the criminal justice system. But this moment is about once again hoping that all of us realise that we have a criminal justice system that is so broken that it can bring innocent people extremely close to execution. If this is the manner in which the criminal justice system handles imposition of the death penalty, it must surely indicate the depth of the crisis. Equally alarming is the fact that the SC had seen this very evidence in 2009 and still went ahead with the conviction and the death sentence. It points to a much larger malaise within the criminal justice system — the principle of "innocent until proven guilty" is almost turned on its head in practice. The constant rhetoric that seeks to strengthen victims' rights by taking away crucial rights of the accused has found great favour among judges, politicians, the media and the general public. No criminal justice system can maintain its integrity if the rights of the accused are determined and influenced by the brutality of the crime. We cannot secure the rights of victims by sacrificing the rights of the accused. That ill-informed path will only lead to more and more wrongful convictions, with the real perpetrators never being held responsible.

Our criminal justice system has a very low rate of conviction. And at the same time, nearly 75 per cent of our prison population is made of undertrials who spend long periods in prison without ever being found guilty. There is tremendous pressure on the police and pros-

The constant rhetoric that seeks to strengthen victims' rights by taking away crucial rights of the accused has found great favour among judges, politicians, the media and the general public. No criminal justice system can maintain its integrity if the rights of the accused are determined and influenced by the brutality of the crime. We cannot secure the rights of victims by sacrificing the rights of the accused. That ill-informed path will only lead to more and more wrongful convictions, with the real perpetrators never being held responsible.

ecutors to produce convictions using methods that are colonial relics. In this context, there are perverse incentives to manufacture torture-based evidence, plant evidence, engage in prosecutorial misconduct and to routinely suppress exculpatory evidence. Wrongful prosecutions and convictions in our country are far more rampant than we imagine or acknowledge. Manisha Sethi's powerful analysis of terror trials in *Kafkaland* and the excellent work by the Quill Foundation in the context of terror prosecutions is stark evidence of that.

The suffering inflicted on the Shindes and Surya shows us the perils of having the death penalty in the midst of such an error-prone criminal justice system. Irrespective of our philosophical or political commitments on the death penalty, this story must have massive ramifications for our social conscience. If three courts, including the apex court, could not spot the illegalities perpetrated by the investigating authorities in framing six innocent men, then there is no reasonable way to hold the position that we have a criminal justice system capable of having the death penalty.

Human suffering has become so normalised that the suffering we inflicted on Ankush Shinde, Rajya Shinde, Raju Shinde, Ambadas Shinde, Bapu Shinde and Surya will soon be in danger of being forgotten. Whatever else we might make of it, we certainly cannot think that it was the systemic checks that prevented their execution. Those familiar with the story will tell you the sheer coincidences that led to a committed prison researcher bringing their story out of Yerawada Prison in 2008, her finding excellent lawyers to lead the battle in court, fortunate changes in law that allowed their innocence to be re-agitated, and the case finally landing up before a bench that was not swayed by the offence. These circumstances don't come together too often and it is precisely this dependence on chance in our criminal justice system that makes the use of the death penalty a ticking bomb.

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WHAT THE OTHERS SAY

"It is important, for the sake of peace and the prevalence of truth, for saner minds in South Asia to rationally analyse the media coverage of the recent stand-off." — DAWN

Foreign policy and the polls

The election is a good opportunity for the BJP and Congress to debate the changing international situation, India's response



RAJA MANDALA

BY C RAJA MOHAN

WILL FOREIGN POLICY and national security issues play a decisive role in the upcoming general elections? Not quite. India's recent bombing of a terror training camp at Balakot in Pakistan last month, one of a piece with the "surgical strikes" across the Line of Control in Kashmir in September 2016, have certainly generated much heat on the eve of the elections. For the BJP, it symbolises Delhi's tough new approach to cross-border terrorism. The Congress, of course, wants to run down an important step in the evolution of India's effort to cope with the constraint imposed by the danger of nuclear escalation.

In an address last week outside Delhi, Prime Minister Narendra Modi contrasted his move to send the Indian Air Force for the first time into Pakistan since 1971 with the UPA government's decision to do nothing in the wake of the outrageous 26/11 attacks on Mumbai in 2008. Modi pointed out that the UPA government was not willing to act on the military options provided by the armed forces in November 2008. The "blood of the armed forces was boiling," Modi said, "but Delhi was lying on a cold bed". Modi suggested he was not going to tie the hands and legs of the Indian armed forces.

The question for us here is not about the merits of choices that "muscular Modi" and "passive Manmohan" made. The issue here is about the impact on the elections. The UPA's "masterly inactivity" during 26/11 did not seem to hurt its chances in the 2009 elections. The Congress came back with a larger majority in Parliament. During the Kargil War of 1999, the Congress mounted a relentless attack on then PM Atal Bihari Vajpayee's handling of the crisis. But in the elections that followed in 1999, the criticism had no material effect on the electoral outcome that saw the BJP return to power.

Clearly, there is no way of drawing a direct correlation between foreign policy issues and electoral results. To be sure, the surgical strikes and the bombing of Balakot will buttress the image of the PM as a strong leader. But no one is betting that that image alone will bring Modi back to power. Issues of bread and butter, identity, coalition building and an effective campaign will be the key factors that will determine the results.

In large democracies, foreign policy does not usually change with the change of governments. Leading parties tend to gravitate towards a general consensus that is in tune with the broad factors — geography, history, economic orientation, etc. — that shape the nation's international relations. The parties that demand radical overhaul of a nation's foreign policies, like the communists in India, are usually at the margins of the political spectrum.

Big changes in foreign policy occur only in response to a revolutionary change at home or a structural change abroad. India found itself in such a situation at the turn of

the 1990s — when Delhi's old economic model collapsed and so did the Soviet Union, India's strongest international partner during the Cold War. Through the 1990s, India's political class and the foreign policy establishment adapted, slowly but steadily, to the twin changes.

The foreign policy arguments between leading parties in a democracy tend to be within a narrow bandwidth. Their positions on big foreign policy issues evolve incrementally and facilitate renewal of the national consensus on key issues. However, there are times when this natural evolution does not proceed smoothly.

Consider the Brexit crisis. Britain's domestic divergence on how to engage Europe is not new. But it is now tearing apart the two main parties and has put Britain in a limbo. In the US, President Donald Trump has questioned many basic premises of America's foreign policy that have been in place since the end of World War II. But Trump's attempt to enforce big changes is facing resistance from the US Congress and the foreign policy establishment.

The big challenges that confront India today — Pakistan's support for terrorism, the growing gap in national power with China, Beijing's darkening shadow over the Subcontinent and the Indian Ocean, the turmoil in the global economic order, the breakdown of the post-War political institutions, and the unfolding technological revolution — will loom even larger after the elections.

In India, the unresolved legacies of Partition are as much about domestic politics as foreign policy. These include the question of Kashmir, the broader nature of the engagement with Pakistan, facilitating Sikh pilgrimage across the divided Punjab, fair distribution of water resources of the Indus and the Ganges River systems, issues relating to migration and citizenship in Assam and the Northeast.

Beyond the Partition, the enduring tensions between two realities — the Subcontinent as a coherent civilisational entity and multiple state sovereignties within it — will continue to challenge Delhi. Meanwhile, India's defence and national security system has been crying out for far-reaching reforms. That Delhi can't buy a major weapon system without a debilitating political controversy tells us how broken our defence structures are and how pitifully limited our discourse on national defence has become.

If the challenges are big, India has unprecedented opportunities as well. Unlike in the era before 1991, India's relative weight in the world is continuing to grow. Its economy is approaching \$3 trillion. With India on course to become the world's third-largest economy (in nominal terms) in the next decade, it will face new responsibilities in shaping the regional and global order.

The election is a good opportunity for the BJP and the Congress to debate the changing international situation, potential Indian responses, and the much needed reform in India's defence and national security system. It's a pity, though, that acrimony over Pakistan, terrorism and Rafale is all that we might get in the next two months.

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SYED ZAFAR ISLAM

This is new India

Pak PM must dismantle terror apparatus in his country or face consequences

PAKISTANI PRIME MINISTER Imran Khan often claims he is leading a new Pakistan. He made the same proclamation following the cowardly Pulwama suicide attack that martyred 40 brave men from the CRPF. Sadly, there is no evidence to back Khan's claim. Pakistan before Imran Khan was no different. The state sponsorship of terror outfits continues unabated, the army's grip over civilian rule seemingly remains intact and the economy continues to falter. He, like his predecessors, keeps repeating that it's not in Pakistan's national interest to sponsor terror strikes in India. And just like prime ministers past, he says Pakistan is also a victim of terrorism. Nothing has changed but he says his is a new Pakistan.

Narendra Modi's India is indeed a new India. For the last five years, the world has acknowledged that India has made huge economic strides. It has made new friends and strengthened relations with traditional partners. The Modi government had vowed to isolate Pakistan diplomatically after the Pulwama attack. At the time, some Indians felt disappointed that India was going to restrict its response to diplomacy. This was seen as weakness on India's part. The pounding of Jaish-e-Mohammed's biggest terror camp in Pakistan quickly dispelled that fear. The Balakot attack gave sleepless nights to the Pakistani army and the civilian leadership.

However, our irresponsible Opposition leaders attempted to have an endless debate in the media about the wisdom of the Indian punitive action, following a failed response from Pakistan when its F16 fighter jets violated the Indian air-space but were shot down by our hero, Wing Commander Abhinandan.

There should be no scope for debate on India winning the diplomatic war against Pakistan. The return of the IAF officer in two days and a mopping-up operation of dozens of suspects in Pakistan that included the names of the Pulwama suspects supplied by India are proof of our diplomatic victory. This operation assumes significance following Imran Khan's first reaction to Pulwama, in which he had denied his country was involved in the attack.

India is not gloating. PM Modi alluded to the Indian diplomatic triumph merely by saying that he did not wish to repeat how Abhinandan was returned in two days. True to its promise, India has delivered. Under the stewardship of our PM, the ministry of external affairs, Indian missions have worked tirelessly to isolate Pakistan internationally. I am aware that Modi's detractors would never give him credit, even when it's due. But regardless of what they might say about our leader, Pakistan stands lonely on the global stage. This is new India, Mr Khan. Modi's world has friends who leaned on his behalf to put

pressure on you to release the IAF officer and arrest 44 suspects.

Pakistan's strategic partners, such as Saudi Arabia and UAE, are India's traditional friends. But in new India, they are standing by Modi for you to clean up "new Pakistan". This is not the India your country encountered following the terror attack in Mumbai in 2008. New India will doggedly pursue you till you dismantle the last terror camp.

PM Modi has forged robust relations with the UAE, Iran, Israel and Saudi Arabia. The extradition of many fugitives from several countries bears testimony to his foreign policy successes. This was on full display when AgustaWestland middleman, Christian James Michel, a UK citizen, was extradited to India by the UAE. As of January this year, more than 10 countries have extradited fugitives wanted by India since Modi came to power in 2014.

PM Modi's visit to the US in 2017 led to a joint declaration, which listed, for the first time, organisations such as Jaish-e-Mohammed and Lashkar-e-Taiba as terrorist organisations. The US state department classified Kashmiri terrorist leader Syed Salahuddin of the Hizbul Mujahideen as a global terrorist.

Imran Khan would do well to remember his country has long been sponsoring terrorist outfits that target India and Afghanistan. A recent study by the Brookings Institution said:

"It (Pakistan) has augmented Afghanistan's instability by providing intelligence, weapons, and protection to the Afghan Taliban and the Haqqani network."

Imran Khan was busy playing cricket when his country was nearly put on the terror list by the Bill Clinton administration, following the terror attacks in Mumbai in 1993.

That threat continues to hang over Pakistan. Congressman Ted Poe recently urged the Trump administration to "Quit giving them military aid. Quit giving them money. Designate them as a state sponsor of terrorism, and remove Pakistan's status as a major non-NATO ally to the US."

Imran Khan had triumphed in the cricket World Cup in 1992. He can achieve his dream of building a new Pakistan. Let that Pakistan be terror free, free of hatred against India and Hindus. That is only possible when he takes down the last terror camp, hands over the Lakhvis, the Azhars and the Dawoods to India. And if he doesn't, we will act against terror outfits based in Pakistan to protect our people from evil.

Who knows, we might see that in Modi's second term.

The writer is national spokesperson, BJP and former managing director of Deutsche Bank, India. Views are personal

LETTERS TO THE EDITOR

MEDIATE, PLEASE

THIS REFERS TO the article, 'The mediation trap' (IE, March 11). The writer argues that the mediation route that the Supreme Court has taken to resolve the Ayodhya dispute isn't the right way forward. But this is a morally obtuse understanding of the whole issue. It's only by discussing the nuances and intricacies that a solution will emerge. Given the volatility of the issue, the mediation appears to be well-thought out.

Aishwarya Shetty, Mumbai

LEGAL QUESTION

THIS REFERS TO the article, 'Men of law, not faith' (IE, March 11). The article directly brings up the question of the composition of the mediation panel in the Ayodhya dispute. It is, of course, the case that men of law can often be men of faith — they too visit temples, have gurus etc. But men of faith are not men of law. In the ongoing Ayodhya dispute, there is a certain amount of faith and the accompanying reactions involved. But the dispute is still over of land. The Court ought to have appointed retired justices as mediators.

Gopal Nathani, Gurgaon

PARTISAN PM

THIS REFERS TO the report, 'Pak expected surgical strikes, but we took the

LETTER OF THE WEEK AWARD

To encourage quality reader intervention, The Indian Express offers the Letter of the Week award. The letter adjudged the best for the week is published every Saturday. Letters may be e-mailed to editpage@expressindia.com or sent to The Indian Express, B-1/B, Sector 10, Noida-UP 201301. Letter writers should mention their postal address and phone number.

THE WINNER RECEIVES SELECT EXPRESS PUBLICATIONS

air route: PM' (IE, March 10). The country is proud of our armed forces. But after the air strike, it seems that BJP leaders, including the PM, are taking every opportunity to take credit for the military action. The PM must remember he is the leader of 1.4 billion Indians, not just a political party. Let the military be; do not drag them into politics.

Nitesh Jha, Delhi

TELLING NUMBERS

News just 7% of TV viewership, airs more ads than film channels

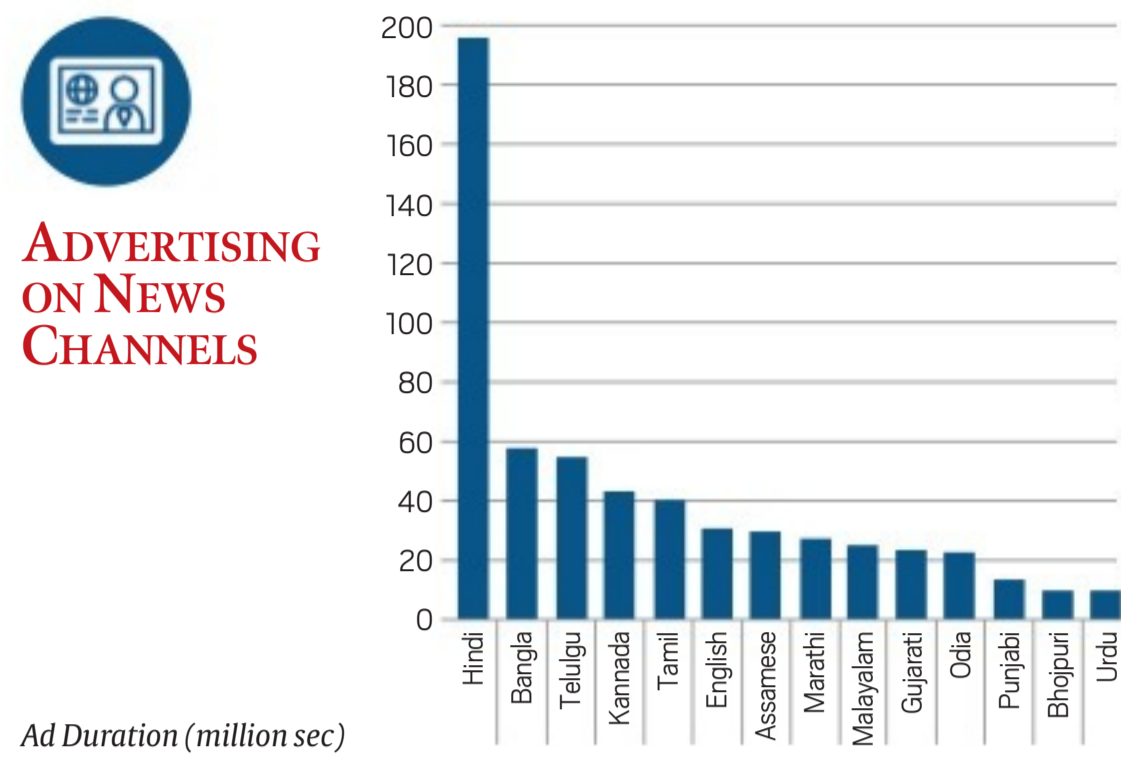


Table with columns STATE and VIEWERSHIP/DAY. Lists viewership for states like Assam, Bihar, Andhra, etc.

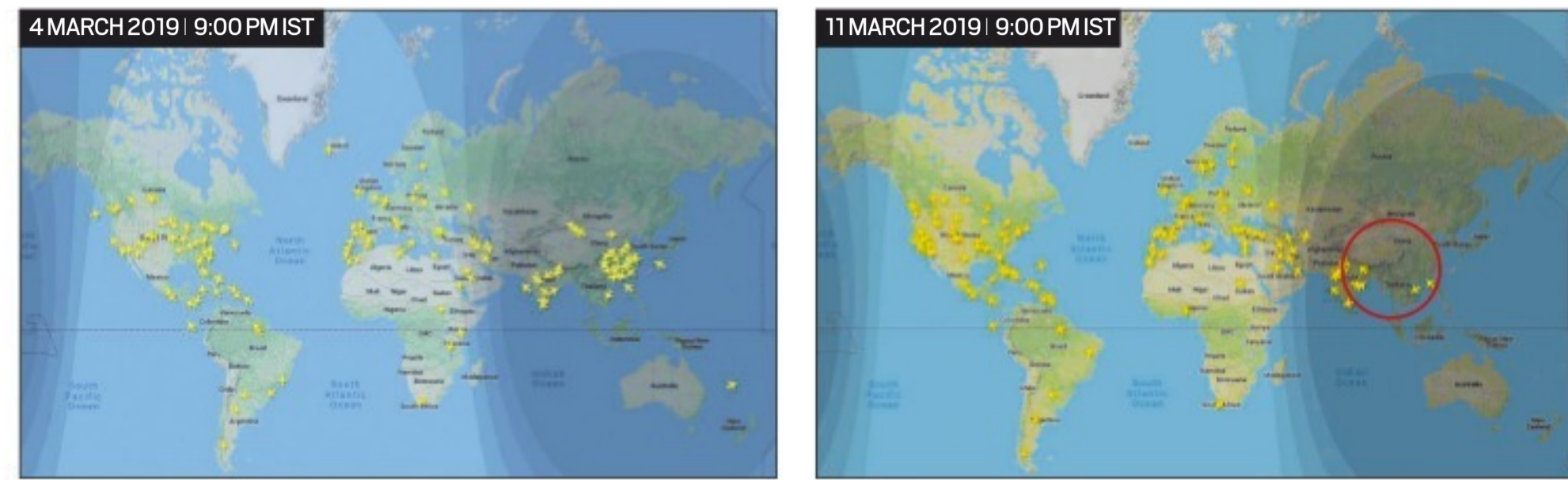
NEWS ACCOUNTS for only 7% of total TV viewership in India, according to the 2018 Yearbook of the Broadcast Audience Research Council (BARC India)...

SIMPLY PUT QUESTION & ANSWER

Behind crashes that killed 346

Latest Boeing 737 has suffered two crashes within months, leading to concerns worldwide. What are its features, what issues did the two that crashed face? Who flies MAX in India, what steps have been taken?

PRANAV MUKUL NEW DELHI, MARCH 11 TWO DEADLY crashes in a span of less than five months involving one of the most modern aircraft in the market, the Boeing 737 MAX 8...



(Above) Screenshots from Flightradar24 show airborne 737 MAX aircraft at 9 pm IST on Monday and at the same time exactly a week ago. China (circled) asked its airlines to ground the plane as a safety precaution. (Below) Both Lion Air 610 and Ethiopian Airlines 302 experienced unstable vertical speeds...

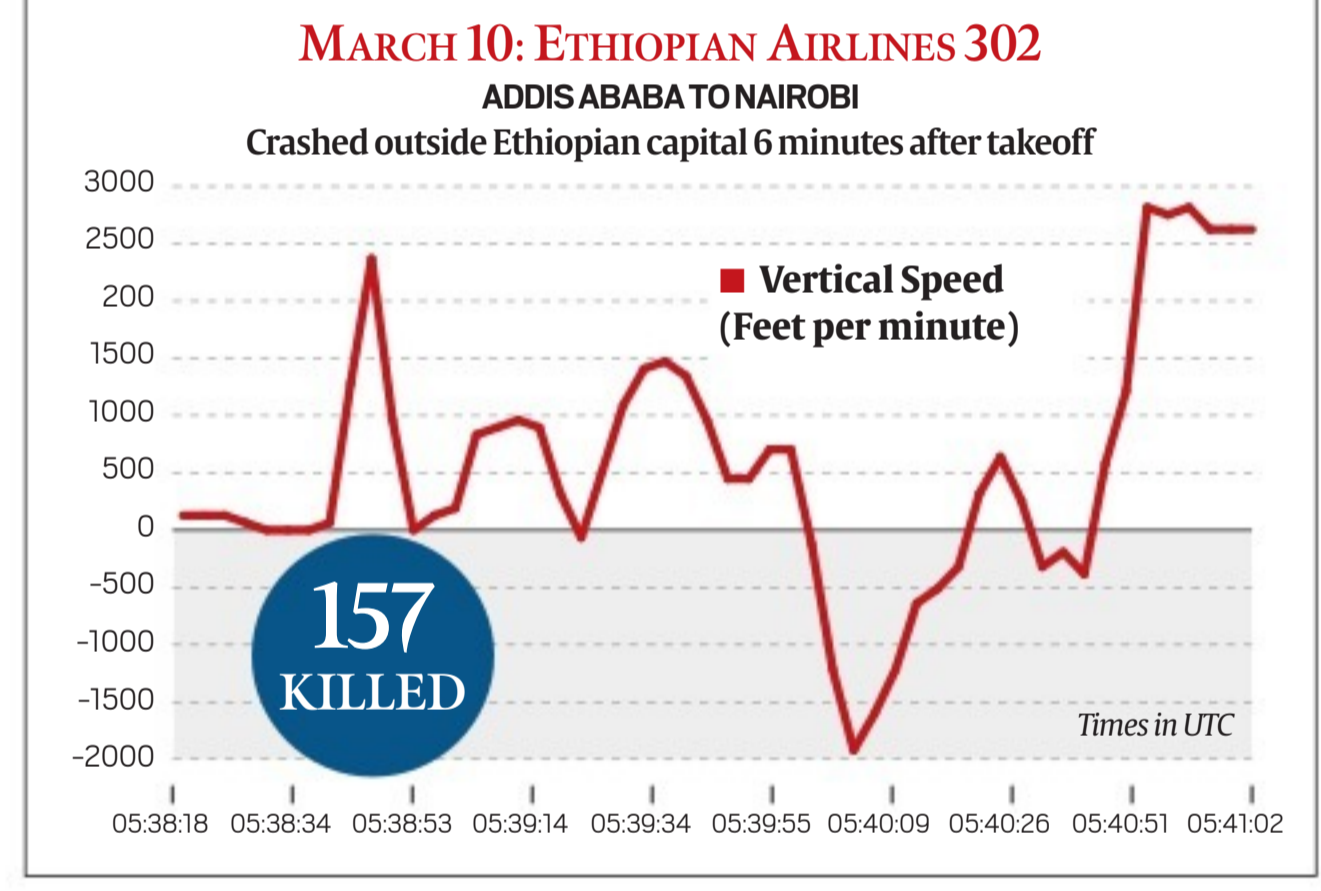
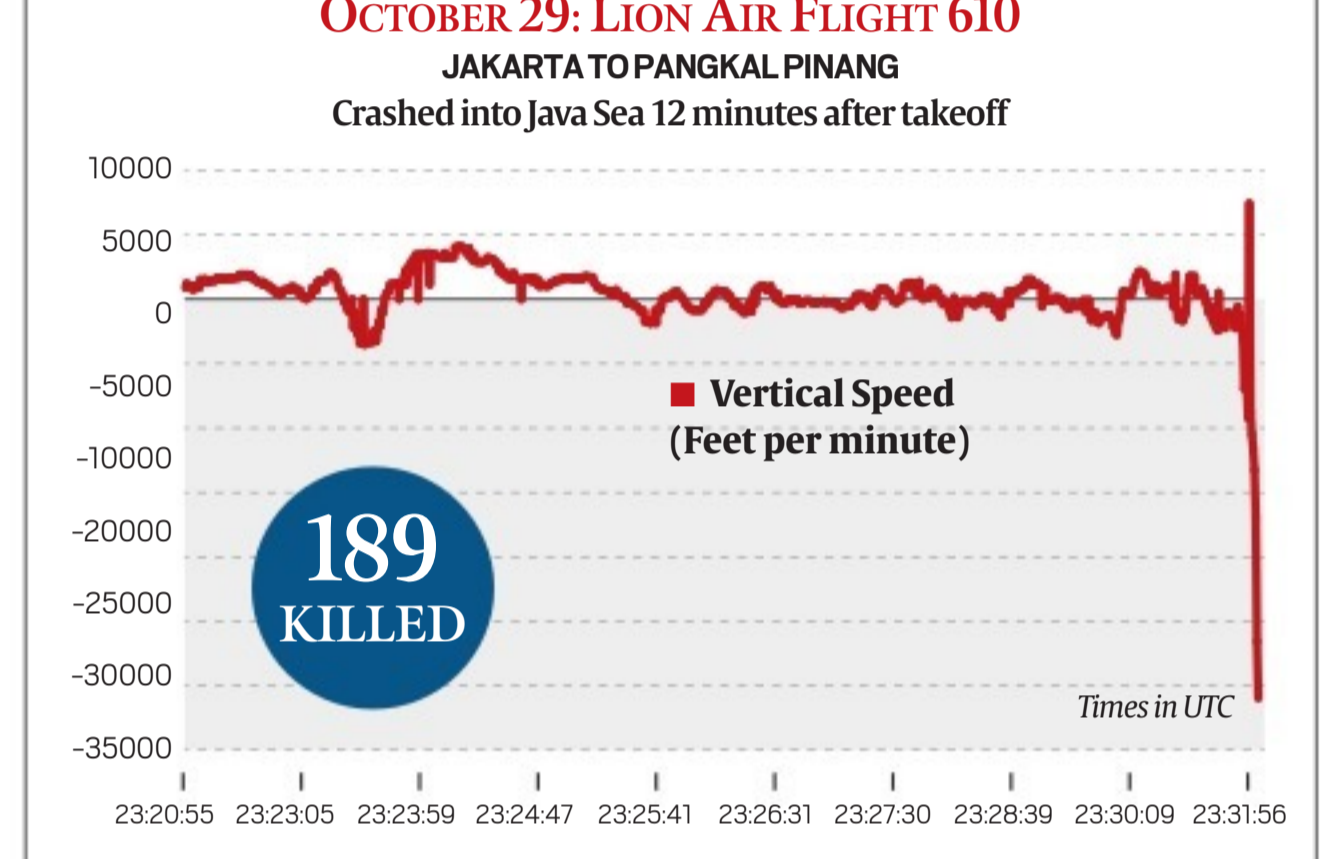
Why has there been a global panic reaction to the Ethiopian Airlines incident?

While even a preliminary cause for the plane going down in Addis Ababa is yet to be ascertained, the events preceding the crash of another aircraft of the same model have raised the red flag...

What is the problem with Boeing 737 MAX?

The latest Boeing 737 model, it is equipped with a manoeuvring characteristics augmentation system (MCAS), which is responsible for pushing the aircraft's nose down when it senses a high angle of attack...

TALE OF TWO FLIGHTS



recorded unstable vertical speeds, according to data sourced from Flightradar24.

What measures has India taken?

In India, two airlines, SpiceJet and Jet Airways, operate a total of 17 737 MAX planes. After the Lion Air incident, the Directorate General of Civil Aviation (DGCA) instituted a daily reporting mechanism...

Has there been a blanket grounding of a fleet worldwide when there were problems with any aircraft model?

In cases where there are incidents that highlight safety concerns with an aircraft, the manufacturer and the regulatory authority of the country that approved production of the aircraft model take a call on grounding of the planes...

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AN EXPERT EXPLAINS

The 13-point, 200-point quota roster conundrum

The ordinance that overturned the Supreme Court-backed formula for implementing reservations in university jobs has been challenged. How is making the department the unit for quotas different from making the institution the unit?



ANISH GUPTA

Why is there a controversy over job appointments in higher education?

Most appointments to central government jobs are recommended by bodies like the Staff Selection Commission or Union Public Service Commission. These organisations generally deal with posts with uniform eligibility criteria...

So how are reserved posts earmarked?

A position in the roster for any reserved group is reached by dividing 100 by the percentage of the quota that the group is entitled to. For example, the OBC quota is 27% — therefore, they get 100/27 = 3.7, that is, every 4th post for which a vacancy arises...

What is the '13/200-point' roster? Why are reserved categories objecting to the 13-point roster?

As per the formula for determining reserved posts, it is only after 13.33 positions (14 in round figure) are filled that every reserved category gets at least one post. The expression "13-point roster" reflects the fact that 13.33 (or 14) vacancies are required to complete one cycle of reservations...

gap further. This is because every 10th post (100/10 = 10) is now reserved for EWS — which means six reserved seats in every cycle of 14, or 42.8% reservation when the ceiling is 59.5% (49.5% + 10%).

There is another problem, which indeed, lies at the heart of the current controversy. In smaller departments, say, those with fewer than four teachers, the 13-point roster — in which reservation kicks in only with the fourth vacancy — allows a situation in which representation to reserved categories can be denied all together...

So, in order to provide the constitutionally mandated 49.5% reservation, the University Grants Commission (UGC) started to treat the university/college as a 'unit' (rather than individual departments), and adopted what is called the '200-point roster', which was already being used by the Department of Personal and Training for appointments in all central government services.

It is called '200-point' since all reserved categories can get their constitutionally mandated quantum of reservation once 200 seats are filled. And since no single department in an institution can have 200 seats, it made sense to treat the whole institution/university (rather than the department) as the 'unit' to calculate the quota.

Is the 200-point roster the ideal system?

It is better than the 13-point roster. While the 13-point roster falls far short of the mandated percentage of reservation, the 200-point roster allows for it, provided exactly 200 appointments are made. The reservation falls short even here, if the number of appointments is either less or more than 200.

What makes the 200-point roster more effective in ensuring the broad goal of 49.5% reservations is the fact that the quota deficit in one department can be made up by another.

How did the present controversy arise?

The 200-point system of implementing reservations was adopted by all central universities by 2014. In April 2017, Allahabad High Court struck down the 200-point roster, saying "If the University is taken as a 'Unit' for every level of teaching and applying the roster, it could result in some departments/subjects having all reserved candidates and some having only unreserved candidates."

The Supreme Court upheld this decision that June, and on March 5, 2018, the UGC notified changes to its guidelines, directing universities to treat the department, rather than the university or college, as the 'unit', thus bringing back the 13-point system.

Following a furore, the Centre moved a Special Leave Petition in the Supreme Court in April. The court rejected the petition in January 2019. Last Thursday, the Cabinet cleared an ordinance to bring back the 200-

point roster. But the ordinance was challenged in court the very next day.

What are the main arguments of SC/ST/OBC groups against the 13-point roster?

The proportion of reservation in the 13-point roster, irrespective of the number of posts filled, falls far short of the constitutionally mandated quota, in effect violating the Constitution itself.

The HC order created two standards in the implementation of reservations in faculty recruitment: department as the unit (13-point roster) for SC/ST/OBC appointments, and institution as the unit (200-point roster) for appointment of Physically Handicapped. If the 200-point roster is seen to create a disparity between the SC/ST/OBC and unreserved categories, isn't the same problem created if the 13-point roster is followed for SC/ST/OBC and the 200-point roster for Physically Handicapped?

The problem of "some departments/subjects having all reserved candidates and some having only unreserved candidates" exists in the 13-point roster as well. On June 1, 2018, BHU advertised 80 posts, out of which 12 were reserved (under the 13-point roster). All these reserved posts were in the Department of Cardiothoracic Surgery and Otorhinolaryngology, while all posts in the Department of General Medicine were unreserved.

What is the evidence from the actual working of the 13-point roster?

The UGC report of 2016-17 shows the combined representation of SCs, STs, and OBCs among assistant professors, associate professors, and professors in all central universities (excluding colleges) were 32%, 7.8% and 5.4% respectively — less than the 49.5% reservation ceiling.

A glimpse of the future effect of the 13-point roster is visible in the advertisements for faculty positions after the UGC's March 5, 2018 notification. Central University of Haryana advertised 80 seats, but none for SCs, STs, and OBCs. IGNTU (Amarkantak) advertised one reserved post out of 52, and Central University of Tamil Nadu advertised 2 reserved posts out of 65.

What is the way out of this situation?

Perhaps the best solution, without affecting the interests of unreserved categories, would be to make the roster (either 13-point or 200-point) for reserved positions by taking all reserved categories together (49.5%).

In this way, every second post (100/49.5 = ~2) will be reserved, which can then be distributed among all reserved categories as per their respective quotas (OBC 27%, SC 15%, ST 7.5%).

(Anish Gupta teaches Economics at the University of Delhi)