



## Blinkers on

The BJP's manifesto is unabashed about its narrowly nationalist agenda

The Bharatiya Janata Party's election manifesto offers glimpses of its understanding of India and its vision for India. It is a reiteration of the party's three-point agenda of nationalism, welfare of the poor and good governance. Prepared after consultation with a wide range of people and released days before the polls start, the manifesto is to that extent a welcome contrast with 2014, when the BJP did not release it until the first phase of polling was under way. A manifesto is important not for being a catalogue of vote-catching, tall promises, but as a document that explains the direction that a party proposes for the country. The BJP manifesto needs scrutiny for more reasons. It must be judged against its performance in government for five years and also in comparison with the manifestos of other parties, particularly the Congress. In promising welfare for the people, economic growth and material development, the BJP manifesto is not drastically different from the others. But its clarity on what makes the party distinct is remarkable. The BJP's deep yearning for the reshaping of India into a cultural monolith, which it projects as essential for progress, is clear.

Unlike in 2009 and 2014, this manifesto is not expansive on the party's cultural agenda, but its stated resolve to "mainstream" the people of the Northeast, its hardline approach on Jammu and Kashmir, and the recurring theme of an unforgiving state as the hallmark of a 'new India' all point towards a hardened nationalist course for the party were to retain power. While the BJP has its alliances, it is also emphatic in its pursuit of a majority of its own. The manifesto promises a Ram temple in Ayodhya, a national registry of citizens for the entire country, and citizenship to Hindus, Jains, Buddhists and Sikhs fleeing persecution in neighbouring countries. The BJP government has taken significant measures during the last five years to advance this Hindutva agenda. The emphasis on Narendra Modi is also unmistakable – his name figures 32 times, while 'BJP' figures 20 times. The manifesto is boastful of the government's performance on the national security front, and runs down all previous governments to the extent that it would appear that India assumed superpower status and made strides in sectors ranging from space technology to higher education almost exclusively on Mr. Modi's watch. Yet, the BJP manifesto does not dwell too much on Mr. Modi's single most momentous decision: demonetisation. The document claims to be an account of the current challenges, and an ambitious vision to be realised before 2047, the 100th anniversary of India's independence. Yet, it does not mention religious harmony. As a vision statement, the BJP's manifesto is limited in its understanding, and blinkered in its vision.

## Closure on cynicism

Supreme Court's solution of increased VVPAT verification should reassure the EVM sceptics

By ordering an increase of the existing Voter-Verifiable Paper Audit Trail (VVPAT) verification rate from one to five random Electronic Voting Machines (EVMs) per Assembly constituency or segment, the Supreme Court has sought to reassure those sceptical about the integrity of counting by means of EVMs. By limiting the verification to five machines instead of the 125-odd machines per constituency that the Opposition's demand for a 50% VVPAT count would have amounted to, the apex court has enabled the Election Commission of India to declare the results on the counting day itself. The higher figure, which will increase the overall number of EVMs to be counted to close to 20,000 machines, should reasonably address the very remote possibility of 'insider fraud'. It will also verify a higher sample of EVMs in the smaller States and bring the sample within reasonable confidence levels to discount chances of EVM-tampering. In any case, the VVPAT slip verification is more of a reassurance to voters that the EVM is indeed foolproof, over and above the technical and administrative safeguards that are already in place to prevent any tampering. This should effectively blunt criticism that has, unnecessarily, brought the electoral process into doubt. The fact that some of the Opposition parties moved away from their untenable demand for a return to paper ballots in their petition to a plea for a higher VVPAT count has also helped yield this reasoned proposition from the Supreme Court.

For the ECI, the key technical issue with EVMs and VVPATs is not really in regard to tampering but to machine glitches. While the parliamentary by-elections in Uttar Pradesh and Bihar and the Assembly election in Karnataka last year had registered significant machine replacement rates (20% and 4%, respectively), these were brought down to less than 2% in later elections held in the winter months. The ECI made technical fixes to the VVPAT to make them more resilient during use across the country, and it should be well-prepared to handle any glitches during the seven-phase Lok Sabha election. The availability of replacement machines and the ability to deploy them quickly in case of a failure of VVPATs are essential to avoid disruptions. In the past couple of years, the doubts raised about EVMs by parties and the new constraints encountered in the electoral process due to hastened VVPAT implementation have bogged down the ECI and narrowed the discourse regarding electoral reforms. Now that the Supreme Court has brought a closure of sorts to the issue, it is time for the ECI to focus on the hassle-free conduct of polls to the Lok Sabha and to four State Assemblies, and later consider other important issues – increasing voter enrolment, effective regulation of campaign financing and implementation of the model code of conduct.

# Technology and the unhurried mind

The saga of the EVMs has started looking tedious to many people – abundant caution would help



KRISHNA KUMAR

Visiting the present office of the *Economic and Political Weekly (EPW)* felt like a pilgrimage. The new office is in the lower Parel area of Mumbai. It is an old industrial area, with multi-floor offices and workshops huddled together. Many of the lifts are old – with a grill door and an operator sitting on a stool – going up and down all day with visitors. He manages the heavy grill, stretching its hard metal to close it for movement, then pulling it back to let the visitor out. In the lift I took, the grill puller was an old man. He told me that if I want to, I could take one of the new lifts. I decided to stick to him for my short journey to the third floor. While inside, I recalled my first visit to the EPW's legendary editor, Krishna Raj in the early 1980s. The magazine's office at that time was in the Fort area. Krishna Raj sat in his small room with a manual typewriter. The short letters he wrote, indicating a topic on which he wanted an article, were full of grace and humility. Receiving it was a short step before obedience to a moral authority that the EPW was. It had become a symbol of the status of debate in democratic governance.

### Out of a time capsule

After an hour-long visit, I got into a taxi with a driver from eastern Uttar Pradesh. I felt I had been into a time machine adjusted to both the

old and the new worlds of democratic India. My driver told me that his vote is in Mumbai, but he is in close touch with his village in Jaunpur. There are 14 castes, he said, in his village, and all are going to vote for the Bahujan Samaj Party candidate. As far as he was concerned, U.P. had only two worthwhile leaders, Mayawati and Akhilesh Yadav. Ms. Mayawati, he said, showed what it means to control, and Mr. Yadav showed the meaning of development. Then why did he lose so badly, I asked. The answer, my taxi driver said, lay in EVMs, or electronic voting machines. Then he added, "People are more vigilant now." A minute later he said, "But you never know what all can happen." His voice carried a healthy mix of hope and resignation.

The saga of the EVM has started looking a bit tedious to many people. The Election Commission of India (ECI) itself seems frustrated with the continued suspicion of political parties in the integrity of the EVM system. As a citizen and voter, I often wonder why the EVM story has dragged on for so long. The system that the EVM has replaced was vulnerable in many ways, such as by booth capturing. Recently, when a public commentator used the term 'election capture', I was reminded of the days when incidents of booth capturing were common. In the era of EVMs, booth capturing has lost its value, not just its possibility. Another constraint of the pre-EVM era was the high proportion of invalid votes. Many people found it difficult to put the stamp in the allocated space. In the new set-up, the difficulty they might face in locating and pressing the right button



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will never be known. The EVM voter is presumed to have good sight and a dexterous finger. And if he does not fulfil these assumptions, no one will ever find out. The EVM has deleted the risk of invalidity.

The linking of EVMs with a Voter-Verifiable Paper Audit Trail (VVPAT) is a fine mechanical response to the suspicion that EVMs can be manipulated. This doubt-removal machine offers a seven-second long image of the symbol and name chosen by the voter. One can say that a country of millions of smartphone users can be confident that its voters will look at the VVPAT screen during the given time-slot to satisfy themselves that their choice has been correctly recorded. I hope it is all right to wonder whether using a smartphone is as consequential as casting a vigilant glance at the VVPAT while waiting for the beep that announces the completion of the voting process. What the glance reveals and what can be done in case one is not satisfied are matters that can only disturb further the chain of faith that snugly surrounds the EVM system.

Democracy is a modern faith.

# Brexit and the fragility of the U.K.

The muddle over how to leave the EU is threatening London's sway over Scotland and Northern Ireland



PRIYANJALI MALIK

The continuing impasse over Brexit has brought an entire continent to a standstill. It has also strained the very unity of the United Kingdom. Nothing illustrated this more clearly than the pro-Brexit demonstrations on March 29, the original departure date. Protesters, waving the English flag of St. George, denounced the delay as 'a betrayal of England'. Note this was not considered a betrayal of the U.K.: in this fight, England has gone its own way. In any case, Scotland and Northern Ireland voted to remain in the European Union (EU).

The narrowness of the Leave win (52% to 48%) has of course divided communities over positions on Europe. But it has also highlighted divisions between the constituent nations of the United Kingdom of Great Britain and Northern Ireland, to use the formal name of the British state. The U.K. is not one nation but four: Wales was brought under English rule in the 13th century; Ireland was incorporated by a combination of military force and political persuasion in 1801; Scotland, though never militarily defeated, was persuaded to join the Union in 1707.

Until they joined the U.K., Scotland and Ireland were governed by

their own parliaments. These were dissolved and power transferred to Westminster. This transfer of power to London did not go unchallenged locally, and the embers of resistance were never quite stamped out. The Republic of Ireland eventually gained independence for most of the island, barring the Protestant majority north, in 1922. Scottish nationalism remained subsumed under the promise of Empire: Scotland had gained power and wealth from the colonial enterprise, which tempered the loss of sovereignty to Westminster.

### View from Scotland

Indeed, part of the reason that Scotland joined the Union in 1707 was because it was broke: the kingdom had suffered heavy financial losses from a disastrous expedition to secure a trading base in the late 17th century. The failure of the Darien Scheme, as it was known, was caused in no small part by resistance from Scotland's southern neighbours who were protecting the trading rights of the East India Company. Once within the Union, the colonial enterprise and then Empire offered not just wealth but all the trappings of great power. The end of the Empire signalled Britain's departure from the global stage. The Suez crisis of 1956 conformed its diminished status. And Brexit, Britain's retreat from its own continent, has completed the project. Little England has withdrawn into itself to protect mythical ideas of Englishness against the supposed onslaught of waves of fo-



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reign immigration and EU rule.

The Scots are only too aware of this. Scottish nationalism has been simmering for years now, only partly placated by the devolution of some domestic powers to a Scottish Parliament under the Scotland Act of 1998. A referendum on Scottish independence in 2014 ended up being a closer call than had been anticipated (55% vs 45%), though it was clear even then that part of the reason for remaining was that the U.K. offered membership of the EU (which was not automatically on offer for an independent Scotland). Now, with Brexit looming, Scottish demands for independence resurface regularly.

### A fragile peace

The Northern Ireland question is even more intractable. Brexit threatens the fragile peace imposed by the Good Friday Agreement of 1998, which formally ended the Troubles, or decades of bitter sectarian violence. Between 1968 and 1998, the mainly Protestant Unionists were pitted against

its disruption must not be entertained, even as a passing thought. This is perhaps yet another demand that modernity is making on our old nation. Never mind that nations more advanced than us on the industrial path have not agreed to use EVMs for their elections. If we emulated their caution, there are many other encounters with modern science and technology we would have avoided. They have so far worked out for us, helping us to move forward. The EVM is one more step. Having taken that step, we can afford to forget our reality and the problems it presents.

### The new ethos

Mystery is inbuilt into it. So is distance between what you want and what will happen. I have used the EVM just once, and I came back from the booth feeling unsure whether I had performed my civic duty properly. The long row of buttons on the body of the machine looked menacing. It demanded both clarity of vision and precision in the finger. I had neither, yet I acted and pressed the button representing my preference. There was no VVPAT at that time. A longish beep filled the room, indicating that my vote had been cast. I came away wondering whether I had pressed the right button and whether the button I had pressed had recorded my preference honestly. Ever since that day, I have read numerous articles and news items covering the debate over EVMs. Many articles discussed the rejection of EVMs in other democracies. They are technologically more advanced than India, then why did they reject EVMs? That train of thought

would lead to doubt over my commitment to the nation and its progress. It is no longer a case of choice of machine or material for nation-building. The new nationalist ethos has no room for debate over anything, let alone the path of progress for the nation. One must pass an ideological fitness test before seeking the right to be given attention. In the context of technology, the digital kind has swept other choices aside. The philosopher of technology, the late Ursula Franklin, defined technology as 'the way we do things here'. In our case, we have settled our mind over a narrower definition that accepts only digital machines as acceptable technology. The qualities they possess are accredited as the highest. Entertaining any doubt about their integrity is a waste of time. That, indeed, it is, considering that the decision has been taken, in every case.

Now the ECI has said that if the proportion of EVMs whose vote count will be verified with the help of a VVPAT is increased substantially, the declaration of results will be delayed by up to six days. This should be quite acceptable. An election season that covers the whole of early summer can surely be allowed to take an extra week. The benefit of such an extension clearly outweighs the strain on public patience it might cause. The collective mind is in any case deeply stressed by the ethos that political life has created. To characterise it as the bustle of a healthy, relaxed democracy would stretch our caution against cynicism too far.

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er a customs union or staying within the single market. Tellingly, Northern Ireland found only passing mention in her letter of March 29, 2017 to the President of the European Council invoking the Article 50 process and starting the countdown towards leaving. It was disposed of in a sentence expressing a wish 'to avoid a return to a hard border between [the] two countries'.

And yet, peace in Northern Ireland is still in its infancy. The EU will not imperil this process by allowing a border to come up between Northern Ireland and Ireland. Hence the provision for a backstop in the transition deal that Ms. May negotiated with the EU, which would keep the U.K. in a customs union and Northern Ireland in the customs union and parts of the single market should the two entities fail to arrive at a permanent free trade agreement that continues to negate the need for border infrastructure within the island. The different status for Northern Ireland would effectively raise a border between the island of Ireland and the rest of Great Britain, something that is unacceptable to the Unionists and Ms. May.

The hard core of Brexiters, however, are willing to gamble with the unity of Britain – willing indeed, to risk losing Scotland and Northern Ireland – in their quest to be 'rid' of Europe once and for all.

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## LETTERS TO THE EDITOR

Letters emailed to letters@thehindu.co.in must carry the full postal address and the full name or the name with initials.

### Rafale deal

The mystery over the bona fides of the Rafale fighter aircraft deal is getting murkier by the day, compounded further by the reluctance of the NDA government to subject itself to scrutiny and come out clean (Page 1, 'Exclusive', 'Rafale: Modi govt. gave unprecedented waivers in offset agreements', April 9). Even if, for the sake of argument, no *quid pro quo* for monetary gain was involved, it is necessary that unfair, unprecedented waivers and concessions offered be probed in terms of procedural lapses and financial losses. Is it proper for an elected government to dismiss all the evidence so far as a figment of the imagination when the revelations are based on extracted documents from no less than the Union

Defence Ministry? Maybe the government is emboldened by the fact that the layman hardly understands the intricacies of a complex defence deal, a belief corroborated by the findings of a major election survey that the Rafale issue is not so serious an electoral issue in 2019. But an elected government owing allegiance to the Constitution is duty bound to ensure that the interests of national security are not compromised in any way.

I am unable to fathom what *The Hindu* is trying to convey with its 'exposés'. From all that has been published so far, I only find that the Prime Minister has acted as the highest decision-maker should. He appears to have allowed all the procedures to be followed

and also intervened whenever impediments were found. One cannot fault him for making a decision to hasten the process of acquisition. The United Progressive Alliance had a full 10-year term to ensure the fighters arrived, but, alas, it was not to be. The 'exposés' only seem to have strengthened decision-making at the highest levels by keeping the best interests of the country in mind and without worrying about criticism – probably factored in when such decisions are made.

### BJP manifesto

Even as it has stuck to its narrative of strident and combative nationalism in its manifesto, the Bharatiya Janata Party has tried to embellish it with a heavy dose of welfarism by

attempting to address many of the socio-economic issues that have come to dominate the political discourse. In all, it is unpretentious and is a people's manifesto (Page 1, 'BJP manifesto keeps focus on national security, farm support', April 9).

C.K. SUBRAMANIAM,  
Mumbai

The BJP has, once again, started brooding over the issue of the Ram Mandir at Ayodhya. This is nothing less than an undesirable tactic to reap more votes. It also indicates that in case the party wins in 2019, as quite a few surveys and polls seem to point towards (Page 1, 'Advantage NDA, but it may fall short of majority', April 9), it is all set to vitiate the social and political spheres. It is unpalatable that a political party which is contesting elections in a secular and democratic

republic is using religion as a key means to achieve success. Voters must be wary of falling for such baits keeping in mind that secularism is the bedrock of the Indian Republic. Any attempt to weaken this foundation is bound to invite catastrophe.

SHIVAM AGGARWAL,  
Ludhiana, Punjab

### Salem corridor

The Madras High Court judgment quashing a notification issued last year to acquire land for the ₹10,000 crore Salem-Chennai expressway proves yet again that development is inevitable but not at the cost of the poorest sections. The fact of losing invaluable agricultural land reiterates the need for a more transparent system of referendum in such a land acquisition process. Else such projects will only

compound an already severe agrarian crisis.

N. VIJAI,  
Coimbatore

### Renamed

A place name is a place name. To rename Chennai Central station as "Puratchi Thalaivar Dr. MGR Central station" is like stripping Chennai city of its name. No doubt great leaders must be honoured; indeed, MGR has been honoured duly by attaching his revered initials to many institutions such as universities in Tamil Nadu but this tendency to rename institutions so ubiquitously after a single person reveals a paucity of imagination and thought. The timing of the decision on the name-change is also unfortunate, and has a political angle to it.

C.G. RISHIKESH,  
Chennai

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# Using artefacts to tell stories

How India's ossified art museums can reorganise their galleries



NACHIKET CHANCHANI

Walking along a corridor in Berlin's Pergamon Museum lined by tiles from the city walls of ancient Babylon, I recently found myself in the company of visitors from all over the world. Street smart people threaded through crowds and reached the Ishar Gate, the museum's crown jewel. As one less skilled in this enterprise, I found my movement temporarily obstructed by a humped bull encased in glass. As my gaze came to rest upon its form, I realised that the bull was no ordinary bovine: it was a caparisoned wooden sculpture of Nandi from south India. I asked myself, 'Is this Nandi's home? Doesn't Nandi largely divide his time between Kailash's slopes and the pillared halls of Shiva's palatial residences in the country? And doesn't Nandi mostly venture out on festival days when he conveys Shiva in grand processions?'

## The place of cultural property

In Berlin, Nandi is hardly out of place. Across the Berlin State Museums, there are dozens of temporary displays featuring artefacts set in astonishing configurations. The immediate purpose of these displays is to alert visitors to the Humboldt Forum's opening later this year. This new museum devoted to world cultures will be housed in a reconstructed palace in the city centre. Equally, these displays are nudging visitors to rethink the place of cultural property and inspiring them to reconceptualise their own sense of self and national identity as new immigrants settle into life in Germany, the European Union's boundaries change, and the Asian century gets underway.

Berlin's curators are hardly alone in stimulating these negotiations. A high-level commission recently recommended to French President Emmanuel Macron that all artefacts separated without consensus from sub-Saharan Africa and sent to France be returned if countries of origin ask for them. Experts in Paris are now struggling to identify the provenance of thousands of objects, even as a montage of voices in Africa



"At Amritsar's Partition Museum, through the juxtaposition of refugee artefacts, archival materials and oral histories, staff are concurrently preserving the memories of those who lived through the days that followed Independence and nurturing the formation of fresh perspectives on the period." ■ NYT

have begun to assert their claims as rightful owners. New disputes on the role of art museums in shaping memory are unfolding across the continent, where many institutions already bear the scars of earlier struggles. Following the signing of the Franco-German Treaty of Cooperation and Integration in January, central Europeans are inquiring whether Mr. Macron's gesture will reverse France's waning influence in sub-Saharan Africa and trying to gauge directions their own careers will take as the world order shifts.

Except for sporadic calls for the Kohinoor's return, in India, national and State art museums are undisturbed by these developments. Geographical distance is hardly a plausible reason for their stasis. Perhaps the real reason is that the curatorial tactics of our government-run museums are more or less ossified, even if physical infrastructure, visitor amenities, and staffing levels have improved since the unflattering reports of vigilant journalists and the Comptroller and Auditor General.

Emblematic of the stasis is a presentation of culture as internally consistent, ethnically bound, and contained within a territorial frame. At the Indian Museum in Kolkata, a constricted vision of colonial administrators who classified objects to suit their needs has mostly been retained. In the National Museum in New Delhi, no clear approach is apparent. For instance, on the second floor, objects are somewhat arbitrarily dispersed in galleries bearing the

following names: 'Costumes and Textiles', 'Pre-Columbian and Western Art', 'Copper Plates', 'Tribal Lifestyle', 'Musical Instruments', 'Wood Carving', and 'Arms and Armour'. At Sarnath, the Archaeological Survey of India's flagship museum, staffers have installed baggage scanners and air-conditioners but missed the spirit of exhibition guidelines collaboratively developed in 2013 by some of the agency's far-sighted officers and international experts. At State museums too, the status of objects either as artworks or ethnographic objects, sacred or profane, remains indisputable. Where radical individuals challenged epistemologies and nomenclatures by establishing their own organisations – as Dinkar Kelkar did in Pune – the Maharashtra government, its current custodian, has left certain objects in configurations in which he placed them.

## Reorganising galleries

Sheldon Pollock, a scholar of Sanskrit, has observed that culture is "something always in process and not a thing with an essence." His insight has implications for how our art museums might reorganise their galleries. Instead of casting objects as the nation's peerless accomplishments, our museums might begin to tell stories of how objects are about resistance and creativity. Like bullocks and vahanas, objects have wandered in different directions. Well before the dawn of electronic commerce and communication, they have goaded inventions, conveyed

messages, and changed lives. In addition to using objects to tell such narratives, our public art museums can begin to become more vibrant spaces if they acknowledge their location in particular landscapes. For example, before installing new shows, curators might gauge public interest in particular objects through focus-group testing, revise groupings based on feedback received from stakeholders, and develop appropriate interpretative materials.

Many of India's museums that are run by non-profit institutions can also serve as models for museum practice and stratagem for government-run establishments. With its self-conscious reconstructions of vernacular homes and imaginative placement of artefacts and poems within them, Dakshinachitra in Chennai is simultaneously inviting visitors to see art as a flow rather than a product. Special exhibitions, dance performances, and lectures at Mumbai's Chhatrapati Shivaji Maharaj Vastu Sangrahalaya are highlighting our subcontinent's historical ties with other regions and how these associations have promoted the exchange of ideas. Temporary exhibition spaces at this institution are offering schoolchildren and seasoned connoisseurs with opportunities to share their creations and collections with the public. These spaces are catalysing new conversations on ways of seeing. At Mehrangarh Fort, curators are exhibiting cradles, chandeliers, paintings, and palanquins to tell fascinating stories of how Jodhpur's residents and rulers turned their desert town into a cosmopolitan city by amalgamating beliefs and revelling in hybrid beauty. At Amritsar's Partition Museum, through the juxtaposition of refugee artefacts, archival materials and oral histories, staff are concurrently preserving the memories of those who lived through the tumultuous days that followed Independence and nurturing the formation of fresh perspectives on the period.

When our public art museums begin to re-engage our pasts, bring together diverse cultures, eras, and perspectives to offer new insights on current issues, then we might also be able to find a new home for Nandi in a new India.

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# Is there a problem with the 10% quota?

Data show that economically weaker sections in the general category are already well-represented in higher education



SUNNY JOSE & BHEEMESHWAR REDDY A.

In January, the Rajya Sabha passed the Constitution Amendment Bill guaranteeing 10% quota in education and employment to economically weaker sections in the general category. Families that earn an annual income of less than ₹8 lakh and do not possess agricultural land of five acres or above are eligible for the quota. This includes 95% of Indian households. Isn't it strange that in a country which claims to have lifted millions out of poverty, so many households fall in this category? What is more is that these households require reservation, nothing else, to enable them to be socio-economically better off. The Bill has served an unintended purpose, though: Reservation is no more the preserve of the so-called merit-less. The proposed quota has transformed cynics of the reservation policy into champions of it.

## Examining two aspects

We examine here the empirical foundation of two aspects which are central to the policy but are absent from discussions on it. The first is the rationale underlying the policy that economically weaker sections from the general category remain "excluded from attending the higher education institutions" in India "due to their financial incapacity". Is that really the case? The second is the fact that the Bill also brings private educational institutions under its ambit. What is the representation of reserved category students in private educational institutions?

We try to answer these two questions by analysing data from the National Institute Ranking Framework (NIRF). The Ministry of Human Resource Development introduced a ranking of higher education institutions in India in 2016. A total of 445 institutions were ranked under the NIRF in 2018. The NIRF data provide the composition of 'economically backward class' (EBC) students and 'socially challenged category' (Scheduled Castes/Scheduled Tribes/Other Backward Classes) students. The data reveal that of the 16.09 lakh students enrolled in the 445 top institutions in 2016-17, about 28% (4.55 lakh) belonged to the EBC. The share of EBC students was about 30% in private educational institutions. If we consider institutions as the basis of analysis, the facts are self-explanatory.

About 66% of the 445 NIRF-ranked higher education institutions had more than 10% of students from the EBC. Interestingly, 68% of private educational institutions also had more than 10% of EBC students. EBC students had already secured about three times the proposed quota of 10% without any reservation in top higher education institutions. This is despite the fact that the income criteria used by most of these institutions vary from ₹2 lakh to ₹5.5 lakh annually, which is far less than the proposed eligibility criterion for the reservation quota, which is ₹8 lakh.

## Under-representation of SCs/STs/OBCs

The share of 'socially challenged category' (SCs/STs/OBCs) students in these 445 institutions was 38%, only 10 percentage points more than the share of EBC students. Surprisingly, the share of SC/ST/OBC students stood at only 44% in public institutions, which are mandated to implement 49.5% reservation. In private educational institutions ranked by the NIRF, their share was as low as 30%, which was similar to the share of EBC students. Here too, only 19% of private higher educational institutions ranked by the NIRF had more than 49.5% of SC/ST/OBC students. Thus, SC/ST/OBC students remained greatly under-represented, especially in premier private educational institutions. This is despite the fact that the SC/ST/OBC population constitutes about 70% of the total population of India (NSSO, 2011-12).

Our analysis is confined only to the top 445 higher education institutions. However, if the share of EBC students was as high as 28% in these premier institutes, their share would have likely been larger in other higher education institutions which were not ranked by the NIRF. This could be due to a number of reasons, including lower fees. The EBC students have already secured more than 10% share in these institutions without any reservation. Hence, the proposed policy seems to be empirically unfounded. By contrast, what emerges from the NIRF data is the under-representation of the 'socially challenged category' in premier education institutions.

It appears that the government is going to extend reservation for SC/ST/OBC students to private higher education institutions. This would certainly bring the much-needed diversity in premier private higher education institutions in India.

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## SINGLE FILE

# The right to criticise

The Manipur High Court's seditious judgment on Kishorechandra Wankhem sets an example

MARKANDEY KATJU



In its judgment dated April 8, the Manipur High Court ordered the release of journalist Kishorechandra Wankhem, who was charged with sedition under the National Security Act for criticising the Chief Minister. Though the petition was allowed only on the technical ground that certain material mentioned in the detention order was not supplied to the petitioner, it could have also succeeded on the ground that in a democracy people have a right to criticise the government. Article 19(1)(a) of the Constitution was upheld by the Supreme Court in *Romesh Thapar v. The State of Madras* (1950).

Whereas in a monarchy the king is supreme and the people are his subjects, in a democracy this relationship is reversed: the people are supreme, and state authorities are servants of the people. In *Kedar Nath Singh v. State of Bihar* (1962), the Supreme Court held that mere criticism of the government is not sedition unless it is an incitement to violence or breach of public order.

The U.S. Supreme Court, in *Brandenburg v. Ohio* (1969), laid down the 'imminent lawless action' test, which says that free speech is protected by the First Amendment to the U.S. Constitution unless it incites imminent (not remote) lawless action. This judgment was followed by the Indian Supreme Court in *Arup Bhuyan v. State of Assam* (2011) and in *Sri Indra Das v. State of Assam* (2011), and hence it is the law of the land in India too. Surely Mr. Kishorechandra's statements would not have provoked an immediate violent uprising against the government and hence they were protected by Article 19(1)(a) of the Constitution.

Unfortunately, what has been often witnessed in India is that political functionaries get incensed and cannot tolerate criticism. Then they slap sedition charges or preventive detention laws against their critics, as the Maharashtra government did in the case of the cartoonist Aseem Trivedi, or the West Bengal government did in the case of Professor Ambikesh Mahapatra of Jadavpur University, or the Tamil Nadu government in the case of the folk singer Kovan. To speak for the poor or marginalised sections of society has become particularly dangerous, as was seen in the cases of those accused of inciting violence in Bhima Koregaon.

By enacting the Fundamental Rights of the people in Part III of the Constitution, and by making the courts the guardians of the rights of the people, a solemn duty has been cast on the judiciary to uphold democratic principles. The Manipur High Court therefore deserves to be commended in this connection (though one wishes its judgment had come earlier and saved the petitioner four months of jail time). It is hoped that other courts in India, too, will follow its example.

The writer is a former judge of the Supreme Court



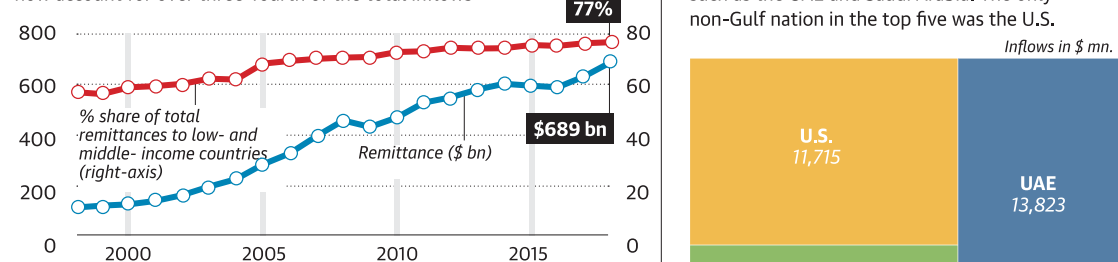
## DATA POINT

# Flow of money

Remittances to low- and middle-income countries reached a record high in 2018 (9% growth compared to 2017). India, China and Mexico received the highest share of remittances among such countries. While for India, remittances contributed about 3% to the GDP, for some other countries the share was much higher. By Varun B. Krishnan

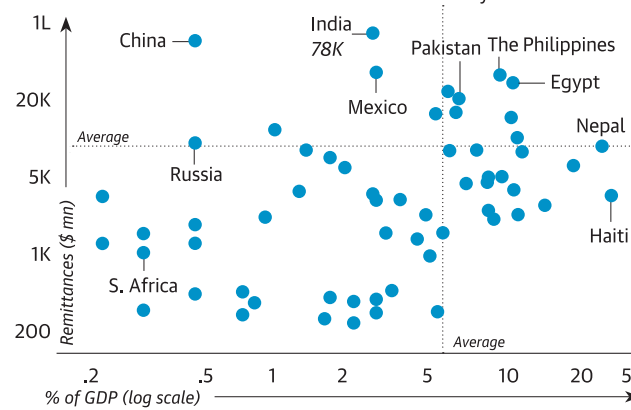
## Earning big abroad

Low- and middle-income countries' share of the total remittance inflows have increased over the years. In 1998, they constituted about 57%, but now account for over three-fourth of the total inflows



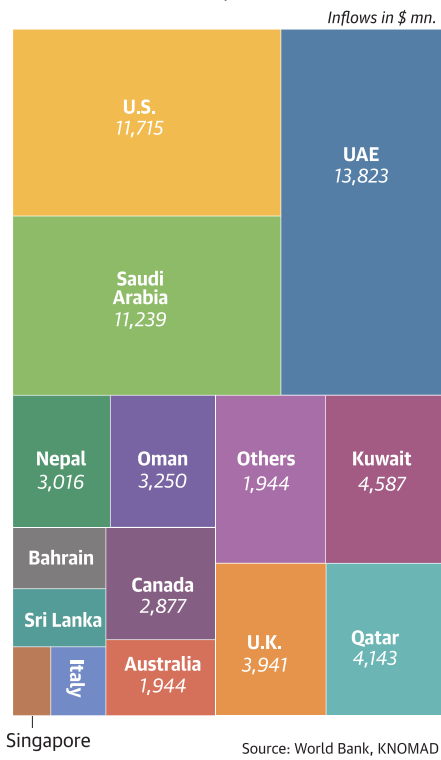
## GDP factor

In Nepal and the Philippines, the inflows constituted a higher % of GDP than the average. In India and China, though the inflows were high, the contribution of these remittances to GDP was relatively low



## Gulf goldmine

According to the latest available data (2017), India received its highest remittances from Gulf nations such as the UAE and Saudi Arabia. The only non-Gulf nation in the top five was the U.S.



## FROM THE ARCHIVES

FIFTY YEARS AGO APRIL 10, 1969

# Opposition leaders not for separate Telangana

The Prime Minister, Mrs. Indira Gandhi to-day [April 9, New Delhi] told the leaders of Opposition parties that there was no question of partitioning Andhra Pradesh to create a separate Telangana State. The Government was against the arrangement now contemplated for the Hill Districts of Assam being extended to any other State. Leaders of all Opposition parties except Swatantra, were not in favour of splitting the State. Mr. N.G. Ranga, (Swat.), spoke in favour of a separate Telangana. Mr. T. Viswanatham (Ind.) suggested the appointment of a high-power committee, preferably of judges, to determine the extent of revenue surplus of Telangana spent in the rest of Andhra Pradesh and the unemployment situation.

A HUNDRED YEARS AGO APRIL 10, 1919.

# Mr. Gandhi's Arrest.

(From an Editorial)

The arrest of Mahatma Gandhi on his way to Delhi and the feverish haste with which he has been hurried away by special train to Bombay marks a significant stage in the agitation against what has been universally condemned in this country as a most iniquitous piece of executive legislation. No true Satyagrahi will complain or ought to complain against any sufferings which he has of his own accord brought on himself by his determination to stand by the principles which the country has pronounced to be right as well as lofty and Mr. Gandhi – and, with him, his active followers – will be the last person to complain of the action that has now been taken against him. The issue, then, so far as the Satyagrahis are concerned, is a simple one; their task is solely to do their duty which their conscience – and with it the conscience of the bulk of their countrymen – has marked out for them, irrespective of the sufferings which its discharge might involve.

## POLL CALL

# Voter turnout

Voter turnout refers to the number or percentage of eligible voters who cast their ballots. A high turnout is indicative of the vitality of democracy, while a low turnout is associated with voter apathy and mistrust of the political process. Since the 1980s, voter turnout has come down across the world, especially in Europe, though it has been more or less stable in Asia and the U.S. India has seen voter turnouts increasing in both Lok Sabha and Assembly elections, largely due to the Election Commission's efforts to enhance voter participation in the country. In 2014, the country recorded the highest voter turnout in a general election since Independence (66.38%).

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