



The Indian EXPRESS

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RAMNATH GOENKA

BECAUSE THE TRUTH INVOLVES US ALL

2019 and populism



ASHUTOSH VARSHNEY & SRIKRISHNA AYYANGAR

There is large support for anti-elitist politics in India, but it is not uniformly spread out

ADVANI KI BAAT

He may not matter in the 2019 electoral calculus but his party should listen to his advice on who is an enemy, and who is a rival

BJP SENIOR LK Advani has urged his party to “look back, look ahead and look within”, on the eve of its Foundation Day, in a blog that breaks a nearly five-year silence and has “democracy”, within and outside the party, more within than outside, as its motif. Advani emphasises a triad of values — satya (truth), rashtra nishtha (dedication to the nation), and loktantra (democracy). But he underlines the last. He writes about “respect for diversity” and “freedom of expression” being the essence of India’s democracy and speaks to a BJP that accuses its political opposition of an agenda to balkanise India and membership of a “tukde tukde gang”, of a BJP that does not treat political adversaries as enemies. He reminds his party of a conception of Indian nationalism that does not paint disagreement as “anti-national”. The day after, for the Narendra Modi-Amit Shah BJP, it would be all too easy to dismiss Advani’s message, and its implied criticism, by targeting him. He has just been denied a ticket from Gandhinagar, after all, the constituency that elected him to the Lok Sabha six times since 1991 — bringing a long and significant parliamentary career to an end. Party president Amit Shah has filed his own nomination papers from Gandhinagar with great fanfare. Therefore, it could be argued, the Advani blog. That may or may not be true. But by reading Advani only for his supposed motives, the BJP would not only be disrespectful to its veteran, it would also risk missing the real takeaway.

The BJP rose to prominence in the late 1980s-early 1990s as the party with a homogenising project. It sought to counter Mandal with Mandir, construct a united Hindu vote bank over and above the caste faultlines on the ground. In those years, Advani was both the main ideologue and mobiliser-in-chief of political Hindutva, his rath yatra from Somnath leaving a trail of violence and blood, and culminating in the demolition of the Babri masjid in 1992. Yet, it is also true that the party and the leader have travelled a distance since — in apparently different directions. Since 2014, for all its electoral spread and growing appeal to wider constituencies, the BJP has become a more centralised version of itself, its politics has acquired a harder edge. The Modi-Shah formulae and certitudes have all but banished dissent within and the party is quick to demonise the opposition outside as pro-Pakistan. On the other hand, and ironically, Advani, relegated to the Margdarshak Mandal since 2014, has become a voice, sometimes even through his silence, for greater tolerance and political civility.

With polls round the corner, the BJP may calculate that Advani’s critique has little or no electoral resonance. But as the political party that has ruled India at the Centre with a majority for the last five years, and which has governments in a majority of the states, the BJP must know that there is another calculus. It will be held to a higher standard, a glimmer of which can be seen in its margdarshak’s message.

A TICKET FOR HER

In a male-dominated polity, politics must find a way of punching holes into the walls, and let some air in

THE ANGER OF India’s women politicians does not often make headlines. It is tucked away, with most other disappointments, as they often fall in line with their party’s wishes and play the one role that falls to their lot — that of Ms Patience waiting in vain to win the wannability sash. But as BJP politician Shaina NC’s (welcome) outburst shows, women are tiring of the power differential in the national parties — with ample reason. Neither the BJP nor the Congress has done more than talk about women’s political empowerment. In the current elections to the Lok Sabha, they have fielded 12 per cent and 13.7 per cent of women candidates, respectively. That is far less than the commitments by two “regional” parties — Mamata Banerjee’s Trinamool Congress has fielded 40 per cent women candidates, while Naveen Patnaik’s BJD has fielded 33 per cent.

The question to be asked of both the BJP and the Congress is: How do they claim to be “national” parties if they do not attempt to adequately represent the political aspirations of 50 per cent of the country’s people? The question of representation is also inevitably tied to equity. When a patriarchal culture and society confines a majority of women to subordinate social and economic roles, politics must find a way of punching holes into the walls — and let some air in. That is not to say that parties should be blind to the calculus of competing interests that determine elections, but they must also ask themselves why they have so far made little space for women’s ambitions. As Shaina NC rightfully complained, dynasty cannot be the only factor in choosing women candidates. Several social and political firestorms have shown — whether it is the debate over triple talaq, or the allegations of sexual assault against minister MJ Akbar, or the agitation for women’s entry to Sabarimala — that Indian women are forcefully renegotiating the terms of their social contract, even if they are not always in a position of strength. But for these contestations to bring in substantial and far-reaching change, political power is essential. Not just that, to bring in a fresh perspective on lawmaking, there is no better prescription than an infusion of new talent — of people from various gendered, caste and class positions.

Politics is, of course, a balancing act between the demands of pragmatism and idealism. But in this case, national parties have brazenly and consistently chosen to ditch equality for realpolitik. As more voices speak up, they must realise that the time’s up for patriarchal condescension.

TWO FOR THE ROAD

Indian films get space in Beijing festival in ‘Belt and Road’ section, reinforce cinema’s soft power

INDIA MAY NOT be a part of China’s megabucks baby, the Belt and Road Initiative (BRI). But it does find itself ensconced in the prestigious Beijing International Film Festival, scheduled between April 13 and 20. The popular film fest, organised by the Beijing municipality, has selected for screening Indian movies in the “Belt and Road” category. The films include Satyajit Ray’s Apu Trilogy (*Pather Panchali*, *Aparajito* and *Apur Sansar*), *Love per Square Foot*, the thriller *Ittefaq*, the Rohena Gera-directed 2018 film, *Sir*, and, Bollywood actor Shah Rukh Khan’s *Zero*.

Ray’s *Pather Panchali* offers a snug metaphor for the occasion: The title’s translation is Song of the Road. Shah Rukh Khan’s popularity across multiple countries has also ensured that not only do Indian films make sound economic sense in foreign markets, it is a low to no-risk diplomatic manoeuvre as well. Aamir Khan has been an immense crowd-puller in China, especially post-*Dangal*, which also did excellent business there. The legacy of such soft power can be traced to the 1950s, when Indian cinema was popular in the Soviet Union. Reportedly, close to 800 prints each of Dev Anand’s *Rahi* and Raj Kapoor’s *Awara* were released in all the languages of the 15 Soviet republics at the time. Whether it is Amitabh Bachchan in Egypt — he launched the three-week India By the Nile festival hosted by the Indian Embassy in Cairo in 2015 — SRK in Germany or the stars of yesterday in Russia, India has been a constant fixture globally when it comes to its cinema.

From a Nehruvian era when the marker of soft power seemed to be cinema, the emphasis has shifted to yoga and Buddhism. As India gingerly navigates relations with China at multiple fora, even beyond the BRI conundrum, perhaps, it is time to reinforce its soft-power arsenal with what has stood it in good stead always: The movies.

IN INTERNATIONAL POLITICAL circles, Narendra Modi is now widely described as a populist. He is placed broadly in the same category as Turkey’s Recep Erdogan, Hungary’s Viktor Orban, Israel’s Benjamin Netanyahu, the Filipino Rodrigo Duterte and the US’s Donald Trump. These leaders are not exactly alike, but it is now generally argued that they share roughly the same ideology, labelled as right-wing populism or majoritarian nationalism.

In India, populism as a term has generally been used for fiscal handouts for the less privileged — loan waivers, poverty alleviation schemes, etc. But that is not how the term is analysed in political theory. Economic populism is part of a larger concept. In this column, we first briefly lay out what the concept of populism signifies. We then summarise findings from the first-ever mass survey of populism in India, undertaken as part of a joint project between Azim Premji University and Lokniti, titled “Politics and Society Between Elections”.

Populism is not a full-blown ideology like liberalism, conservatism or socialism. It is a “thin-centered” discourse rooted in the idea of popular will and is comfortable aligning itself to any ideology that could be broadly appealing to a majority. Populism is also rampantly anti-elitist. It views the masses as pure and virtuous and the elites as immoral and self-serving who should be overthrown. Hence the argument that populism has a Manichean ethic. It equates democracy with elections and believes, for they represent popular will. It refers to the non-elected institutions of oversight — the judiciary, press, intelligence agencies, civil society, central banks — which normally constrain democratic governments between elections, must follow electoral verdicts, not their institutionally assigned roles. Being unelected, their autonomy should be curbed, even crushed.

Finally, populism hinges upon charismatic leaders having direct, unmediated access to the masses. Political parties or the press, while necessary, are expected to be subservient to the leader. Social media, providing direct access to the people, is the favourite mode of communication for a populist today.

If popular will is supreme, an inescapable question arises: Who are the people? Typically, populists have two answers to this question. If the poor or the underprivileged are said to be “the people”, populism hitches

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ARUN ANAND

BOGEY OF HINDU TERROR

In Samjhauta case, the guilty were let off, and a spectre created

THE BOGEY of “Hindu terror” stands busted with the acquittal of Swami Aseemanand and others in the Samjhauta blast case by a National Investigation Agency (NIA) special court on March 20. This verdict is another testimony to the fact that the Congress led-UPA government manipulated and misused the official machinery to create a false notion of “Hindu terror”. Most importantly, while doing so it ignored the national interest by letting the real culprits off the hook.

The NIA was forced to file false cases in the Malegaon, Samjhauta and the Mecca Masjid incidents against innocent Hindus while suppressing evidence against the Pakistan-based Lashkar-e-Taiyiba (LeT) and key players in the terror apparatus such as Arif Qasmani, David Headley and Pakistan’s intelligence agencies. Information was available in public domain regarding involvement of Karachi-based businessman Qasmani, the LeT and al Qaeda, Headley and his third wife Faiza Outalha with assistance from SIMI terrorists from Indore. But the investigation during the UPA decided to not only ignore this information but sought political capital from a national security issue.

The NIA had filed the chargesheet in the Samjhauta case on June 20, 2011, charging five Indians — Naba Kumar Sarkar alias Swami Aseemanand, Sunil Joshi (now dead), Lokesh Sharma, Sandeep Dange alias Parmanand and Ramchandra Kalasangra alias Ramji alias Vishnu Patel with having conspired and committed the blast.

Long before the chargesheet was filed, there was ample evidence of the involvement of terrorists from across the border. The US Treasury Department had announced in July 2009 that Qasmani, the chief coordinator of LeT, worked to facilitate the Samjhauta attack. A month earlier, a UN Security Council sub committee declared that Qasmani had worked with the LeT. In January 2010, Pakistan’s interior minister, Rehman Malik, publicly admitted Pakistan’s involvement in Samjhauta. In November 2010, *The Washington Post* carried investigative articles in which it reported that Outalha told US intelligence agencies in 2008 about Headley’s role in the Samjhauta blast while confessing her own involvement. The narco-tests carried out in Bengaluru in April 2007, three months after the Samjhauta blast, on the general secretary of SIMI, Safdar Nagori, his brother Kamruddin Nagori and Amil Parvez revealed that SIMI activists had helped to carry out the Samjhauta blast. They confessed that the attack on Samjhauta train was carried out with the help of Pakistani nationals. Against this background, it’s clear that the NIA chargesheet was filed to suit the plan of creating a hoax of Hindu terror.

The NIA chargesheet relied primarily on Aseemanand’s confession, which he had retracted. Interestingly, the highly confidential retraction was “leaked” and conveniently published by a magazine, further helping the Congress to raise the pitch of Hindu terror.

on to the left, and income redistribution and welfare-oriented policies follow. Contrariwise, if a religious, ethnic or racial majority constitutes “the people”, we get populism that aligns with the right. The latter is hostile to ethnic, religious and racial minorities, and inhospitable to those new migrants, who are different from the majority community. Populism of the right, thus, tends to acquire the form of majoritarian nationalism, unconstrained by minority rights. It is argued that populist leaders listed above, including Modi, belong to this genre.

Does populism have a mass base in India? The survey we mention above, among other things, probed this question. It drew representative state-level samples from Uttar Pradesh, Uttarakhand, Delhi, Punjab, Jammu and Kashmir, Tamil Nadu, Kerala, West Bengal, Assam, Tripura, Mizoram and Nagaland. Twelve other states were covered in the previous two years of the project, but the populism questions were not asked.

The latest round posed two sets of populism questions. The first set was about generic populism: Who is blocking the progress of people like you — elites, minorities, upper castes, migrants?; Is politics ultimately a battle between good and bad, or a compromise between them?; To serve the people better, should elected leaders override the courts? These are standard questions in populism surveys worldwide.

An unweighted average of 48 per cent of the sample said that elites were the main impediments to progress, a rate at least twice as large as any other category. In contrast, only 29 per cent embraced the idea that politics was a war between good and evil, and a mere 22 per cent believed that if necessary, elected politicians should override the courts. There is clearly a base for populism here, but only anti-elitism approaches close to half of those surveyed. We also broke up the data differently. We categorised as “strong populists” all those who answered the three questions in a populist vein; as “moderate populists” all those who answered at least two questions in the affirmative; and as “anti-populists” those who rejected the populist version of all three.

Strong populists were about 10 per cent of the sample, moderate populists 28 per cent, and anti-populists 20 per cent. The heaviest

concentrations of the strong and moderate populists were in UP, Punjab, Tamil Nadu, Uttarakhand and Jammu and Kashmir. Kerala was the most anti-populist, reflecting how egalitarian Kerala has already become. The same question in the 1950s and 1960s would have been answered differently there.

In addition to these questions about generic populism, the survey also asked questions related to right-wing populism. Should those who eat beef be punished? Should those who engage in religious conversion be punished? Should those who don’t say “Bharat Mata ki jai” in public functions be punished? On these questions, state-level data is the best way to present what the survey found. UP, Uttarakhand and Delhi have the highest support for right-wing populism, whereas Kerala, Nagaland and Mizoram are among the lowest votaries of such punishments.

Do these data generate inferences about the forthcoming elections? The pointers for UP are noteworthy. In the 2014 parliamentary and 2017 assembly elections, the BJP had polled 40-42 per cent of the vote. In the survey, support for right-wing populism in UP ranges between 40-50 per cent. A BJP-style politics, thus, has developed a solid base in the state.

But, equally, 50-60 per cent of UP does not support such causes. In 2014, presumably, most of this segment was unevenly split between the BSP, SP and Congress. The aggregate vote for the first two, in particular, was equal to the BJP’s vote and, in 2017, higher. If we assume that support for right-wing populism and the BJP vote would largely go together now, and those opposed would gravitate mostly towards the SP-BSP alliance, then we should expect a quite equal electoral battle in UP.

National security and unemployment, however, complicate the picture. The survey was held before Pulwama, whose impact it could not have assessed. Pulwama and Balakot have almost certainly aided the BJP. But the survey also found that for UP respondents, unemployment caused the gravest concern, which can’t possibly help the BJP. Unless the national security boost is huge, UP elections are unlikely to be one-sided, as they were in 2014.

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APRIL 6, 1979, FORTY YEARS AGO

JANATA INFIGHTING THE JANATA NATIONAL Executive successfully prevented a showdown between the BLD and the Jana Sangh groups by referring the controversial issue of organisational elections to the Parliamentary Board. The BLD group is opposed to the holding of the organisational elections. The Jana Sangh group reiterated its stand that the Janata should go ahead with the party elections. The Parliamentary Board is likely to work out a formula reconciling the conflicting stands.

PROTESTS IN PAKISTAN PROTESTS AGAINST THE execution of Zulfikar Ali Bhutto escalated into violent ex-

changes of tear gas and rocks between police and Bhutto supporters at Lahore and Rawalpindi, where Bhutto was hanged. At least 200 anti-government demonstrators were seen arrested at Rawalpindi.

BHUTTO VERDICT EXECUTED FORMER PAKISTAN Prime Minister Zulfikar Ali Bhutto burned a handwritten will and resisted the jailers who took him to the gallows. The Bhutto hanging before daybreak on Wednesday was carried out secretly and under heavy security but several details, some contradictory, have begun appearing. Bhutto’s lawyers, led him to believe until the final days that he would re-

ceive executive clemency or be otherwise spared, said the generally pro-government Urdu language newspaper, *Nawa-i-Waqt*. When Bhutto got his final death notice two days before the hanging, “his condition changed suddenly and he wept constantly,” said the paper.

VIOLENCE IN J&K ONE PERSON DIED and three others received gunshot injuries when police opened fire on a violent mob in Mallapura village in Anantnag district. The death toll in Kashmir Valley has now risen to four. Irate mobs protesting against the execution of Bhutto went on a rampage in some villages.

13 THE IDEAS PAGE

A minimum framework

For now, NYAY scheme presented by the Congress is bare bones. A lower target minimum income and a smaller transfer amount could make it viable



DEVASHISH MITRA

ECONOMISTS AND POLICY makers all over the world are discussing the idea of Universal Basic Income (UBI). UBI is informationally the least demanding of all the policies one can think of to attack the problems of poverty, inequality and joblessness. The reason is that it does not require knowing who is poor or how much one is earning. It also has no adverse incentive effects, as, even after receiving the government's uniform transfer, one is able to additionally earn as much income as possible through one's labour. The big problem is its financial feasibility. At the moment, I believe UBI is fiscally unfeasible for India. For example, giving every family of five a basic income of Rs 6,000 a month (and scaling appropriately for family size) would cost 70-80 per cent of the current tax revenues.

A couple of months ago, the Congress party floated the idea of a Minimum Income Guarantee (MIG). The idea was that everyone would be guaranteed a certain minimum income level. Let's say that the minimum income level to be guaranteed is Rs 12,000 for a family of five (Rs 2,400 per person) per month. Guaranteeing that income means that, for any family whose income is below that threshold, the difference will be covered by a cash transfer from the government. The informational demands on the government to implement such a scheme are huge. Not only does the government have to know which households are below the threshold, it will also have to accurately find out how much below that threshold each household falls. This is impossible to ascertain. One can anticipate serious levels of misreporting as most people who want to be and can be eligible for this scheme are most likely to be working in the informal sector. Moving away from the issue of misreporting to incentive problems, it is easy to see that any family that could have earned a total of Rs 12,000 through employment would rather withdraw from work altogether and receive the entire sum of Rs 12,000 as a government transfer. If that transfer is capped at, say, Rs 6,000, the family would just halve its work effort and earn Rs 6,000 and get the remaining Rs 6,000 as government transfer they are eligible for.

When this idea of MIG was first floated, some commentators pointed out many of the shortcomings mentioned above. The most recent iteration of MIG, named Nyuntam Aay Yojana (NYAY), addresses, to a certain extent, many of those criticisms. NYAY, as recently clarified by Congress spokesperson Randeep Surjewala, will be a lump sum, flat transfer of Rs 6,000 per month to any five-member family lying in the bottom 20 per cent of India's income distribution.

This scheme is certainly informationally less demanding as the government only needs to know whether the family earns below the 20th percentile income threshold. It does not need to know how much below the threshold this family's income lies. For any family below that income threshold, there are no incentive problems. The incentive problems will arise for families lying between the threshold income and Rs 6,000 above



C R Sasikumar

that threshold (or even higher, if the work effort is viewed as costly). These families could claim the lump sum of Rs 6,000 by reducing their work effort to earn just below the threshold income and get the extra Rs 6,000. Misreporting, however, can theoretically be at any level of income above the threshold. However, this sum of Rs 6,000 per family of five or Rs 1,200 (less than US\$20) per person per month is not a large enough amount for monetarily secure individuals to commit fraud, for which, one hopes, there will be an enforceable penalty written into the scheme. So, my guess is that misreporting will take place at fairly low family incomes, though above the NYAY threshold. Another way of looking at it is that the effective threshold will end up being higher than the official one.

Let me now analyse NYAY's financial feasibility. Quick calculations suggest that, with the currently estimated beneficiaries being about 50 million families, NYAY will cost about 14 per cent of current annual tax revenues or slightly over 2 per cent of GDP. According to economist Maitreesh Ghatak, for comparison, the Mahatma Gandhi National Employment Guarantee Scheme (MGNREGA) today is only 2.2 per cent of tax revenues, while all subsidies combined are currently about 12 per cent of revenues. And subsidies that mainly benefit the middle class are about 4 per cent of the revenue or so. While cutting such subsidies will help, it won't even come close to financing NYAY. Also, there would be severe political constraints in removing middle-class subsidies. In other words, more revenues will have to be raised, say, through a tax rate increase on the super-rich. Additionally, with India's current rate of growth, tax revenues double every seven to eight years. Taking this growth into account, the full implementation of NYAY can be feasible after some time if other subsidies do not grow with tax revenues, or, at least, grow very slowly. At the start of the scheme, the implementation will have to be partial.

While cutting such subsidies will help, it won't even come close to financing NYAY. Also, there would be severe political constraints in removing middle-class subsidies. In other words, more revenues will have to be raised, say, through a tax rate increase on the super-rich. Additionally, with India's current rate of growth, tax revenues double every seven to eight years. Taking this growth into account, the full implementation of NYAY can be feasible after some time if other subsidies do not grow with tax revenues, or, at least, grow very slowly. At the start of the scheme, the implementation will have to be partial.

subsidies do not grow with tax revenues, or, at least, grow very slowly. At the start of the scheme, the implementation will have to be partial.

There is also a concern by those conversant with the National Sample Survey data that the estimate of the bottom 50 million families or 250 million people to target in order to achieve a minimum family income of Rs 12,000 might be wrong. The actual number of families currently below the monthly income of Rs 12,000 could be close to 80 million. In that case, achieving a minimum income of Rs 12,000 is going to be even costlier. Therefore, the scheme should start with a lower target minimum income, for example, Rs 9,000, and a transfer of Rs 4,000, to make it viable.

At this point, the policy, that has been presented, is bare bones. The details have to be worked out by taking a very hard look at the numbers. For those who might totally dismiss such a scheme, by saying that it amounts to socialism, let me remind them that many believers in the power of markets, including myself, have throughout been in support of cash transfers as the least distortionary method of redistribution and fighting poverty. Among the advanced countries, the welfare state, relative to the size of the economy, is perhaps the smallest in the United States. Yet a family of five in the US below their generous poverty line of \$2,500 per month receives food stamps on average worth over \$500 every month, in addition to subsidised housing as well as heating in the winter.

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WHAT THE OTHERS SAY

"Brexiters may well be frustrated but their rhetoric of betrayal, sabotage and treason is fuelling a dangerously febrile atmosphere." —THE GUARDIAN

Majoritarian madness

Religiosity has gone berserk in India, Pakistan. Both countries must lower heat against minorities



KHALED AHMED

PAKISTAN PROTESTED to India when the alleged destroyers of the 2007 Samjhauta Express train — which killed 42 Pakistanis going home after visiting India — were allowed to walk by a court in New Delhi. And India has protested to Pakistan about the abduction of two Hindu girls in Sindh, Pakistan, and their forced conversion followed by marriage to already-married Muslim boys.

A minority of Indians and Pakistanis don't like what their states are doing to their minority communities. In Pakistan, Prime Minister Imran Khan has taken notice of the Ghotki, Sindh, kidnappings but will come up against a wall of past practice. Two girls from the Hindu community, Reena, aged 14, and Raveena, aged 16, their parents say, were abducted and taken away. The police — mostly semi-literate and "mainstream Islamic" — reported that the girls had converted before marriage and now there was nothing to be done under the law. Appearing on TV, the two girls actually asserted that they converted because they loved Islam.

Hindus in Pakistan, like the Muslims in India, are under pressure. Concentrated in Sindh and a minuscule part of the country's total population, they have been under pressure from the "conversion-crazy" clerics who gang up with criminals to provide brides for good-for-nothing Muslim boys whom no Muslim girl would marry.

Zohra Yusuf who served as Chairperson of the Human Rights Commission of Pakistan (HRCP) from 2011 to 2017, writes: "Hindus, concentrated mostly in Sindh, carry the burden of historical prejudice as well as association with India. According to their representatives, the greatest issue of concern to the community is that of forced conversions; according to their estimates, about a 1,000 Hindus are converted to Islam every year and a majority among them are young women. In most cases, the girls are abducted, forcibly converted to Islam and then married to Muslim men."

The Hindu community — which is more indigenous to Sindh than Muslims — also suffers from economic exploitation. Many of those employed as agricultural labour in Sindh are men and women from the low-caste Bheel and Kohli communities. They also form the bulk of the bonded labour in Sindh, exploited by landowners who use the excuse of loans to enslave them. Violence against women is fairly common as landowners treat their labourers as personal property.

Naresh Kumar, a Hindu leader from Sindh and a member of the ruling party, has appealed for normalcy before the latest case is decided. He has alleged that big

Sindhi landlords — like Mian Mitthoo of Ghotki — are involved in the dirty business and has demanded justice. Mian Mitthoo lost his PPP MNA's ticket after the much publicised conversion of Rinkle Kumari in 2013. He is the patron of the shrine of Bharchundi Sharif in Ghotki where the latest victims were also converted.

Christians too have come under pressure from the trend of "Islamisation" through abductions. Last month, a Christian named Naveed Iqbal — Christian no longer use the giveaway "masih" after their names to avoid being maltreated — complained from Islamabad that his wife, mother of three children, was kidnapped by a local bully, Khalid Satti, whom the police defend because he has produced a nikahnama (certificate of marriage) indicating that Iqbal's Christian wife had converted and married a Muslim.

The most horrible religious law in Pakistan is that of conversion to Islam of a non-Muslim wife. The moment she pronounces the kalima she becomes haram (prohibited) on her non-Muslim husband; and she doesn't have to take a divorce before marrying again. On the other hand, this freedom of conversion is not allowed to Muslims. A Muslim leaving Islam is "murtid" (apostate) and has to be put to death. Pakistan signed the Universal Declaration of Human Rights in 1948 ensuring "religious freedom" but opted out of the "conversion" right for Muslims after it became more and more infested with religious extremism. (An idiotic Muslim admirer went up to New Zealand's Prime Minister Jacinda Ardern and asked her to convert to Islam. He knew he couldn't have it the other way around. Ardern had shown her humanity at a time when Muslims are bereft of it, and she did it because she was not a Muslim.)

The deep state insists that extremist-terrorist organisations like Jaish should be "normalised" through "mainstreaming", little realising that the population of Pakistan has been "normalised" into extremism through a more sinister "mainstreaming" by the terrorists and their madrasas. Khalid Hameed, head of the English Department at Government Sadiq Egerton College in Bahawalpur in Punjab, was stabbed to death

Religion in Pakistan and India has gone berserk. Both have to realise this and take steps to lower the level of the heat produced against their minority communities. One good step agreed to by both countries was the Kartarpur Corridor which will allow Sikh *yatris* to enter Pakistan and visit the last abode of their great seer, Guru Nanak Dev. Imran Khan has also agreed to the Sharada Peeth Corridor allowing Hindus in India to visit the great Hindu shrine located in Pakistan-administered Kashmir.

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MAHESH JETHMALANI

For the dustbin of history

Article 35A is manifestly unconstitutional. The time is ripe to get rid of it

CONTRARY TO the misconceived arguments of the dynasts in the People's Democratic Party and National Conference, predicated no doubt on the legal sophistry of their motivated minions, Article 35A is not cast in stone. In truth, it is neither an affirmation of the historical entitlement of the Kashmiri people nor an integral aspect of the princely state of J&K's accession to India, as its champions proclaim. Moreover, it is manifestly unconstitutional.

It is true that by two notifications of 1927 and 1932 the then sovereign of the princely state of Jammu and Kashmir — Dogra ruler Hari Singh — promulgated provisions which defined "state subjects", vested privileges in them including the exclusive right to own immovable property in the state. The notifications must, however, be viewed in the context of a quasi-independent princely state protecting its inhabitants from the financial onslaught of wealthy residents of other princely states, provinces and members of the colonial establishment. The provisions enshrined in the notifications are an anomaly in a modern day constitutional republic, which by Article 19(1)(e) guarantees all citizens the right to reside and settle in any part of the territory of India. That the law — more so constitutional law — should sanction exclusivist territorial enclaves in any part of India is arbitrary and subversive of national integration.

In any event, the Instrument of Accession

signed by Hari Singh makes no mention of the two notifications. It is trite to state, therefore, that the provisions of the two notifications do not constitute a condition of accession. The retentionist argument is that Article 35A is based on a solemn pact between the Union and the state and thus cannot be altered unilaterally. While it is true that the Article was the outcome of an agreement between Sheikh Abdullah and Jawaharlal Nehru in 1952, this is not to suggest that the provisions of the Article were to endure in perpetuity. But, the argument goes, the very fact that the pact between Abdullah and Nehru was elevated to the status of a constitutional provision is indicative of its sacrosanct nature.

The argument about the inviolability of Article 35A is untenable. First, while it is undeniable that the Constitution is sovereign in a constitutional republic, Article 35A was introduced into the Constitution by way of an amendment carried out by virtue of a Presidential Order of 1954. The President has no power to amend the Constitution; the constituent power post the dissolution of the Constituent Assembly vests in Parliament by virtue of Article 368. Article 35A is thus void on the face of it. The procedure for the amendment of the Constitution has itself been held to be a part of the basic structure of the Constitution. Article 35A is thus violative of the Constitution's basic structure. The issue is not a "constitutional technicality" as

has been argued by one writer in the columns of this newspaper.

Moreover, in as much as the Article seeks to immunise laws relating to the rights of permanent residents of J&K and the deprivation of those rights to other citizens of the republic from judicial review on the touchstone of the Fundamental Rights Part of the Constitution, the Article again falls patently foul of the basic structure doctrine. This is an issue of substantive constitutional rights and not a "constitutional technicality".

The retentionists argue finally that the provisions of Article 35A are not just an issue of law but are embedded in Kashmiri psyche. The abolition of the Article, they say, poses an existential threat to Kashmiris. Implicit in this emotive argument are two premises: First, that every piece of land that comprised united J&K at the time of its accession to India is to be protected from foreign acquisition. Second, that every Kashmiri is zealous about the rights of his fellow Kashmiri with respect to immovable property and other exclusive privileges first enshrined in the 1927 and 1932 notifications and thereafter protected by Article 35A and section 6 of the J&K Constitution.

The first premise is rendered false by how the entire political establishment in the Valley, out of political opportunism sedulously, cultivates Pakistan and condones its continuing transgressions in PoK. The sanctity of Kashmiri land can hardly be embed-

ded in Kashmiri psyche when the entire political class in the Valley is willing to do business with a rank usurper of a large part of Kashmiri territory. This usurpation has been followed by the colonisation of PoK by Pakistani Punjabis. Add to this the deafening silence of the political class of the Valley on the issue of the handing over of control of Gilgit Baltistan to China for the CPEC and what emerges is a picture of its feeble allegiance to Kashmiri territory.

The falsity of the second premise stands rudely exposed by the ethnic cleansing of Kashmiri Pandits by the Sunni Muslim population that took place in J&K from 1989 to 2003. The blood-curdling message delivered by the latter to the former on January 19, 1990 — *Ralive, Tsaliv ya Galive* (either convert to Islam, leave the land, or die) undoubtedly reverberates in Kashmiri Pandit ears to this date. The argument for the retention of Article 35A on the ground that it is deep-rooted in Kashmiri psyche is specious to say the least.

Article 35A is a constitutional aberration. It is detrimental to the integration of the Kashmiri people with the rest of India. Sixty-five years after its enactment, the time is ripe to consign the Article to the dustbins of history.

The writer is a senior advocate, Supreme Court and member of the BJP's central media department

LETTERS TO THE EDITOR

US AND THEM

THIS REFERS TO the editorial, 'The dead end' (IE, April 5). India may have avenged the sacrifice of the CRPF jawans with the Balakot strike, but the closure of a 275 km long highway twice a week is the victory of the terrorists. Every terror organisation tries to perpetuate fear in the minds of its opponent. The blockage of the national highway is a tacit acceptance of this fear. The government must not give in to the designs of the terror organisations and should come up with a better way to deal with the issue. There is no justification in punishing our own for the crimes of our enemies.

Anirudh Parashar, Solan

DIVERSITY LESSONS

THIS REFERS TO the article, 'Languages and civilisations' (IE, April 5). India is rich in languages and is different from other countries. New age technologies should be used to preserve this legacy. This will future generations don't get alienated with the country's "unity in diversity".

Sidharth Sharma, Mohali

FLAWED NYAY

THIS REFERS TO the article, 'Making sense of NYAY' (IE, April 5). The Congress's NYAY scheme (guaranteed minimum income) is an optimistic idea. But there are flaws in its basic principle. Imagine providing Rs 6,000 per month to 20 per cent of the poorest households? This would help them but what incentive do they get to improve their earning avenues? It is akin to reward-

LETTER OF THE WEEK

RBI AUTONOMY

THIS REFERS TO the editorial 'Setting limits' (IE, April 1). Raghuram Rajan's suggestion of having a fixed tenure for the RBI governor has reignited the debate on the autonomy of the bankers' Bank. Governments get swayed by populist schemes, more so in an election year. This entails an inordinate load on the exchequer. It becomes all the more imperative, therefore, that fiscal stability and macroeconomics remain unaffected by electoral politics. This can only happen if the RBI is insulated from government pressure.

Bholey Bhardwaj, Mumbai

ing people for earning less.

Shubham Bharati, Mumbai

LISTEN TO ADVANI

THIS REFERS TO the report, 'Advani's parting shot: BJP never called its rivals enemies or anti-national' (IE, April 5). In politics, senior leaders are supposed to yield space to the younger generation but they should be allowed to exit with grace. That holds true for BJP's treatment of L K Advani's exit. The party should also heed their leader's defence of democratic traditions.

P L Singh, Amritsar