EDITORIAL DELHI THE HINDU THURSDAY, MAY 16, 2019

Morphed freedoms

By seeking an apology while granting bail, the Supreme Court downplayed the misuse of law

The case of a BIP Yuva Morcha functionary being arrested in West Bengal for sharing a morphed image of Chief Minister Mamata Banerjee demonstrates how wrong and needlessly oppressive legal processes can turn out to be. The police in Howrah registered a case and arrested Privanka Sharma under irrelevant and non-existent provisions, a magistrate showed little application of mind while remanding her to judicial custody, and even the Supreme Court, while ordering her immediate release, did not recognise sufficiently the perverse manner in which the law was being used. It is a matter of some consolation that the apex court observed a day later that the arrest was arbitrary and pulled up the West Bengal government for delaying Ms. Sharma's release for technical reasons. The police, apparently realising that there was no offence in the first place, has filed a closure report terming the complaint a 'mistake of fact'. It is a reflection of the level of acrimony between the ruling Trinamool Congress and the BJP in the midst of a violence-marred, multi-phase election that the police entertained a complaint from a Trinamool Congress activist and booked Ms. Sharma for criminal defamation and offences under the provisions of the Information Technology Act. It is possible that some considered the morphed image – in which Ms. Banerjee's face was appended to an actor's photograph at a museum event in New York - defamatory. But it is unclear how the police could arrest someone for defamation based on a third party's complaint.

A cyber-crime police station handled the case, apparently because it involved Section 66-A of the IT Act, a provision declared unconstitutional in 2015, and Section 67-A, which can be used only when sexually explicit material is transmitted in electronic form. Thus, what was at best a case of defamation, a non-cognisable and bailable offence, was projected as a cyber-crime with the sole aim of getting the accused remanded. While magistrates are often known to act mechanically - although that is no excuse for remanding the accused in this case – it is disconcerting that a Bench of the Su-

preme Court ventured to advise her to apologise for sharing the image on Facebook. The court included a gratuitous sentence in its order that "the detenu shall, however, at the time of release, tender an apology in writing". The inclusion of an apology requirement gives the impression that the court was more concerned about cooling frayed tempers than about the blatant misuse of the law. Another disconcerting aspect is that the police continue to invoke Section 66-A. In January, the apex court sought the Centre's response on a petition that claimed that police officials were unaware that the section is no more on the statute book. As the main issue of freedom of expression thrown up by this case is going to be heard in detail later, it is hoped the aberrant developments so far will give way to a reasoned verdict.

Chasing stability

Climate change and energy policies are top of the agenda in Australia's elections

ustralian Prime Minister Scott Morrison may have, in a manner of speaking, already scored a political victory ahead of the May 18 election. Few had expected the socially conservative politician to last out the remainder of Parliament's term when he took over as Prime Minister in August following a coup within the ruling Liberal party. In the past, the country has seen many heads of government toppled. That said, Saturday's election may not prove an easy ride for the former marketing executive. The polls may not signal an end to the political instability that has dogged Australian politics of late. From combating climate change to shaping energy policy, Mr. Morrison's Liberal party is a divided house between moderates and conservatives. These differences were manifest in the ousting of Malcolm Turnbull last year and continue to elude a resolution. The world's driest inhabited continent is confronting its own vulnerability to the effects of global warming. Australia, among the world's largest wheat exporters, has been forced to take recourse to bulk imports of the grain, consequent to severe droughts in its eastern states over two years. Mr. Morrison, a supporter of coal-generated power, may also find his hardline stance on immigration difficult to defend in the wake of

the terrorist attacks in neighbouring New Zealand.

The opposition Labor party seems to enjoy an edge over the governing centre-right Liberal-National coalition, according to opinion polls. Its leader, Bill Shorten, has rallied the party during its time in the opposition in the last six years. Labor's advantage stems from its promise of a living wage, tighter regulation and ambitious targets on carbon emissions. A 45% reduction in carbon emissions on 2005 levels by 2030 is part of its manifesto, aimed at appealing to Australia's growing number of green voters. Conversely, the pro-business credentials of Mr. Morrison's Liberal-National coalition are said to have been steadily eroded as the government has reneged on its promise of corporate tax cuts. The package of measures unveiled in the pre-election budget in April may only have a moderate impact. As with several industrialised democracies, voter disillusionment with the principal parties is yielding a fragmented polity, and smaller parties and independents could potentially tilt the balance of power in the Senate, which is crucial for the passage of legislation. With consistent economic growth and modest levels of unemployment, Australia has had a remarkable track record in recent decades. This scenario is in stark contrast to the incessant political swings that impede the legislative agenda. What is without doubt is that the turnout will be high at the polls, as voting is compulsory for registered voters.

Why the Muslim vote matters in U.P.

Marginalised and fearful, Muslim voters want to demonstrate that they still count in India's democracy



ZOYA HASAN & MANNIKA CHOPRA

ttar Pradesh continues to hold the key to political power in the country. The results for the 80 parliamentary seats in this keystone State will decide who governs India. Travelling through five districts of Awadh, including the VIP constituencies of Lucknow, Amethi and Rae Bareli, makes it amply clear that the Muslim vote will play a crucial role in the final outcome.

Tactical voting

There are three interconnected assumptions about Muslim political behaviour, which may not necessarily be accurate. First, they vote en bloc for one candidate or party. Second, they are more strategic in their voting than other demographics. Third, their voting preference is likely to be influenced by clerics or traditional community leaders. While there was little evidence to support this view of Muslim unity in the past as they mostly voted for parties that best protected their interests, in 2019, opposition to the polarising politics of the Bharatiya Janata Party (BJP) is clearly influencing electoral preferences and imparting a unity of purpose to the Muslim vote. Although the most important issues for Muslims, as indeed for any voter, are education, health care, jobs and infrastructure, today as a community they feel beleaguered; hence their singular aspiration to vote for the strongest party or alliance that can defeat the BJP.

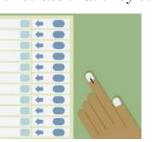
If previously they did not vote en bloc for any single party, in this election too they are not voting as a homogenous group but there is a strong preference and consolida-

tion behind the mahagathbandhan (the Samajwadi Party-Bahujan Samaj Party-Rashtriya Lok Dal, or 🖇 SP-BSP-RLD, alliance) because it is more likely than the Congress to overwhelm the BJP. This feeling is so strong that even elite and upper-middle class Muslim families, which have historically had close ties to the Congress in Lucknow, have chosen to vote for the al-

Significantly, then, unlike other social groups, Muslims will exercise their vote along ideological lines, and not on the basis of the candidate's identity. Nonetheless, some Muslims may not vote as a unified entity despite the consciousness that 2019 is a critical election. "This verdict will be the life or death of democracy in India," said Manzoor Ali from the Giri Institute of Development Studies. This was also evident in scores of voters travelling long distances from different cities to cast their vote on May 6 in Lucknow.

This is not surprising because U.P. – which saw the destruction of the Babri Masjid in 1992 in Ayodhya, is now run by Chief Minister Yogi Adityanath, and has been long considered to be the pulse of the Hindi heartland – is the centrepiece of the Hindutva project built largely on creating a fear of Muslims as the Other. This has resulted in fundamental changes in U.P. politics - and more so in Awadh, a BJP stronghold since the days of the Ayodhya movement. The landslide victory of the BJP in 2014 and in the 2017 Assembly elections has seen the consolidation of the Hindu vote under the BJP, while Muslim votes have remained split between the Congress and regional parties. At the same time, many Muslims in Lucknow, Rae Bareli, Amethi, Faizabad and Ayodhya narrate how the Rasthriya Swayamsevak Sangh (RSS) has been sowing seeds of division and splitting up communities.

The BJP has extensively used issues such as national security, ter-



rorism, uber-patriotism and cow protection to construct a 'Hindu' constituency. It has tried to exploit its so-called progressive stand on the triple talaq issue to attract Muslims. (After raising the issue with such intensity, ironically the BJP did not give a single ticket to a Muslim woman). It has also tried hard to slice the Shia vote by promoting Shia clerics such as Maulana Kalbe Jawad Naqvi, who issued a statement extending support to Home Minister Rajnath Singh, the BJP candidate from Lucknow. But this was promptly dismissed by most people as inconsequential. So, neither of these efforts is likely to help the BIP in getting a significant chunk of the Muslim vote because of the widely shared percep-

Fearfulness as cohesion

tion that it is an anti-Muslim party.

Though Muslim identity on the ground is highly fragmented, varying with religious denomination, caste and class, the lack of security and overriding fear have neutralised social differences. Madhavi Kuckreja, a social activist, recalled how a rumour about a stray cattle being injured in a road accident led to anxious guests promptly leaving a walima (wedding reception) to rush back home. Such apprehensions are driven by the fear of the mob and police crackdowns (even when they are the victims of violence). This surcharged environment has been fostered by repeated incidents of mob lynching over perceived cow slaughter, ban on the beef trade and its consumption and the vicious anti-Muslim rhetoric of BIP leaders such as Mr. Adityanath, who portrayed the

electoral battle as one between "Ali" and "Bajrang Bali".

Secularism, in the new political context, has been redefined as Muslim appeasement. It has helped the BJP to gather Hindu support, especially as no party is willing to represent the concerns of Muslims. Democracy and development should go hand in hand. but in U.P. the two do not share a symbiotic relationship.

Hence, political and social equality in terms of roughly proportionate distribution of development benefits and representation eludes them. Muslims in rural areas feel they've been left out of government schemes such as the Ujjwala Yojana or in getting financial support to build toilets or homes while other strong contenders in the rural hierarchy are benefiting.

It is indeed odd that though Muslims constitute 43 million of U.P.'s 200 million-strong population, no party is really talking about issues that concern them as the battle for 2019 rages. Instead there is a manufactured silence. Majoritarian impulses, to a greater or lesser degree, are the foundation for the current political discourse, as are caste alliances in which the Muslim voice has little space. Their current marginalisation is a far cry from the time when Muslims were crucial to the political fortunes of parties, especially the Congress. Today the tendency towards political equality when it comes to the distribution of power or representation is completely missing. Perhaps the Muslim is seen as a liability. In 2019, as in 2014, the BJP has not fielded a single Muslim candidate in U.P., while it is 10 for the mahagathbandhan and eight for the Congress.

This deliberate neglect has had its repercussions. The politics of hate has forced Muslims to give priority to security of life and property. Even more worryingly, they are once again looking to clerics for succour whereas a few years

earlier they were beginning to show signs of autonomy and independent thinking, said Athar Husain, Director, Centre for Objective Research and Development in Lucknow. They are getting pushed back into ghettos and into the arms of conservative clerics. Fearing a backlash, they are reluctant to protest against attacks on their livelihoods, food habits, closure of slaughterhouses and meat shops or any other issues that matter to

Weapon of the marginalised

Despite the failure of politics which has invisiblised legitimate issues and allowed a radical Hindutva consolidation in their name, Muslims continue to believe in the efficacy of their vote. Even though their representation in Parliament and State legislatures has fallen drastically and development deficits haven't been addressed, there is no dilution in their electoral participation. What is significant is that discrimination and low representation have not bothered Muslim voters or affected their political engagement with democracy. This is because the vote is a weapon of the weak – a political counter against the concerted effort to render them voiceless and irrelevant. It can establish links between local voices and regional forces, between the politics of community and the idea of citizen-

By capitalising on their vote, U.P. Muslims today, more than ever, want to demonstrate that they still count in India's democracy. They are using their vote to demand a new deal which crucially depends on dismantling the BJP's Hindutva project in India's heartland.

Zoya Hasan is Professor Emerita, Iawaharlal Nehru University and Distinguished Professor, Council for Social Development, New Delhi. Mannika Chopra is Managing Editor, Social Change, Council for Social Development

All out at sea

India's engagements in the Indian Ocean reveal a tactically proactive but strategically defensive mindset



ABHIIIT SINGH

Tndia is setting a high tempo of naval operations in Asia. In re-**⊥** cent weeks, a series of bilateral exercises with regional navies in the Indian Ocean have demonstrated the Indian Navy's resolve to preserve operational leverage in India's near seas. In April, in their biggest and most complex exercise, Indian and Australian warships held drills in the Bay of Bengal. This was followed by a much-publicised anti-submarine exercise with the U.S. Navy near Diego Garcia. Last week, the Indian Navy held a joint exercise 'Varuna' with the French Navy off the coast of Goa and Karwar. even as two Indian warships participated in a 'group sail' with warships from Japan, the Philippines and the United States on return from a fleet review in Qingdao.

For many, the trigger for India's newfound zeal at sea is the rapid expansion of China's naval footprint in the Indian Ocean. Beyond commercial investments in Pakistan and Sri Lanka, China has established a military outpost in Djibouti, a key link in Beijing's Belt and Road Initiative (BRI). Reports suggest the People's Liberation Ar-

my (PLA) is planning an expansion of its logistics base for non-peacekeeping missions, raising the possibility of an operational overlap with the Indian Navy's areas of interest. As some see it, Djibouti portends a future where China would control key nodes skirting important shipping lanes in the Indian Ocean, allowing the PLA's Navy (PLAN) to dominate the security

dynamic. Meanwhile, South Asian navies have been making their presence felt in the seas of the subcontinent. In a quest for regional prominence, Sri Lanka has positioned itself as a facilitator of joint regional endeavours, expanding engagement with Pacific powers which includes the Royal Australian Navy and the U.S. Navy. With China's assistance, Pakistan too is becoming an increasingly potent actor in the northern Indian Ocean, a key region of Indian interest. Beijing has also been instrumental in strengthening the navies of Bangladesh and Myanmar, both increasingly active participants in regional security initiatives. In these circumstances, India has had little option but to intensify its own naval engagements in South Asia.

Partnerships are key

Widely acknowledged as the most capable regional maritime force, the Indian Navy has played a prominent role in the fight against non-traditional challenges in the Indian Ocean. While its contribu-



off the coast of Somalia, humanitarian assistance and disaster relief (including in cyclone-hit Mozambique) has been substantial, a paucity of assets and capacity has forced the Navy to seek partners willing to invest resources in joint security endeavours.

Partnerships are vital to the Indian Navy's other key undertaking: deterring Chinese undersea deployments in South Asia. For New Delhi, China's expanding submarine forays in the Indian Ocean indicate Beijing's strategic ambitions in India's neighbourhood. Experts reckon PLAN has been studying the operating environment in the Indian Ocean in a larger endeavour to develop capabilities for sustained operations in the littorals. As a result, the Indian Navy's recent bilateral exercises have focussed on under-sea surveillance and anti-submarine warfare.

To be sure, sightings of Chinese submarine sightings have decreased, which has led some to conclude that Beijing is moving to scale down its maritime operations in the Indian Ocean. After a 'reset' of sorts in ties following the

Wuhan summit last year, some observers believe India and China are on a collaborative path. New Delhi's silence on China's continuing aggression in the South China Sea, and Indian warships being sent for the Chinese fleet review in Oingdao (in April) do suggest a conciliatory stance. Yet, reduced visibility of Chinese submarines does not necessarily prove absence. The truth, as some point out, is that PLAN is on a quest to master undersea 'quieting' technologies and its new submarines are stealthier than ever. The reason they are not being frequently sighted is because Chinese submarines are quieter and craftier than

For its part, China has been downplaying its strategic interests in South Asia. It is concerned that too much talk about its growing naval power could prove detrimental to the cause of promoting the BRI. Alarm at the recent BRI summit over Chinese 'debt traps' has led Beijing to revise some infrastructure projects. India's refusal to participate in the BRI may have also prompted China to rethink its economic and military strategies in the Indian Ocean.

African focus

Even so, Beijing hasn't indicated any change of plan in West Asia and the east coast of Africa, where most of China's energy and resource shipments originate. Chi-

nese investments in port infras-

tructure in Kenya, Sudan, Tanzania and Mozambique have grown at a steady pace, even as PLAN has sought to expand its presence in the western Indian Ocean. In response, India has moved to deepen its own regional engagement, seeking naval logistical access to French bases in Reunion and Djibouti, where the second phase of 'Varuna' held later this month.

Yet, India's Indian Ocean focus makes for an essentially defensive posture. Notwithstanding improvements in bilateral and trilateral naval engagements, it hasn't succeeded in leveraging partnerships for strategic gains. With India's political leadership reluctant to militarise the Quadrilateral grouping or to expand naval operations in the Western Pacific, the power-equation with China remains skewed in favour of the lat-

For all its rhetoric surrounding the 'free and open Indo-Pacific', New Delhi is yet to take a stand on a 'rules-based order' in littoral-Asia. A wariness for sustained operations in China's Pacific backvard has rendered the Indian Navv's regional strategy a mere 'risk management' tactic, with limited approach to shape events in littoral-Asia.

Abhijit Singh is a former naval officer. He heads the Maritime Policy Initiative at the Observer Research Foundation in

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.

A monsoon low Across the world, fresh water resources are depleting rapidly. As far as India is concerned, this is bad news for the farm sector as the monsoon forecast does not appear to be optimistic (Page 1, "Southwest monsoon likely to set in over Kerala on June 4, May 15). It is worrying that a private weather forecasting agency says central India, the country's rice bowl, is expected to see the lowest rainfall in the region. As there is no provision to tap excess water that may result in one region – the agency says this will be in Odisha and Chhattisgarh – precious water is sure to be lost. It is clear that water

management in India is still an esoteric subject. CEEKAY RAMANI,

■ India could be in trouble and this is the right time to reason with people about the effectiveness and necessity of rainwater harvesting to ensure reasonable groundwater recharge this season. It is still miles to go as far as government water management projects are concerned. S. SRINIVASAN,

In Kolkata, on Tuesday

Time was when all incidents of violence in Kolkata, and West Bengal for that matter, were laid at the door of the Communist parties ("Clashes

mar Shah's Kolkata rally", May 15). The spate of violence during this general election shows that while the Left appears to have taken a backseat, parties such as the Trinamool and the BJP are at the fore in indulging in poll-related violence. The ugly events in Kolkata on Tuesday evening are a blot campaigns are not the prerogative of any single party. The State government too has not covered itself in glory by attempting to create hurdles for its rivals. C.V. ARAVIND

■ The incidents point to how educational institutions have become heavily politicised. The vandalism at Vidyasagar

College is deplorable and only an impartial inquiry will pin responsibility. Wilful provocation of peaceful people professing different political ideologies from that of the ruling party should not be condoned. It is odd that intellectuals and the media have failed to condemn the provocation and only jumped in to deplore the consequences of the political conflict without going into the history of the conflict. It is no wonder then that their contribution towards a peaceful Bengal is almost nil. MAITREYEE MOITRA,

■ Some people and leaders give not a tuppence for the teachings and philosophy of

Ishwar Chandra Vidyasagar, a Renaissance man, and are only intent in creating unrest. A bust going bust has now become an issue. Vidyasagar would be happy if the political class pays heed to his ethics and ethos. G. BHATTACHARYYA,

Public spirited During N.R. Madhava Menon's stint in Pondicherry as the founding principal of the Government Law College, I had opportunities to interact with him and, at a later stage, when the National Law School in Bengaluru was set up (OpEd page, "The Madhava Menon model of legal education", May 14). We need a Madhava Menon in every academic

discipline. I found him involved in his academic pursuits even when he faced personal problems. Extending legal aid to the poor was dear to him. V.A. VASUDEVARAJU, Puducherry

Man of the match Details that CSK batsman

Shane Watson continued to bat in the IPL final with a gashed knee and played a heroic innings, but in vain, are astounding. Had he not been 'run out', he would have taken CSK past the winning post, At 37, Watson has exhibited rare verve and grit ('Sport' page, May 15). K. PRADEEP,

MORE LETTERS ONLINE:

THE HINDU DELHI **THURSDAY, MAY 16, 2019**

The need for judicial restraint

Lawmaking is not the job of the judges, but of the legislature



MARKANDEY KATJU & ADITYA MANUBARWALA

The recent trend in the Supreme Court is to rely more on the sociological school of jurisprudence and less on the positivist school. In other words, the court is resorting more to judicial activism rather than judicial restraint, which is problematic. This is seen in its recent judgment on ordering time limits to burst firecrackers on Diwali, which is a function of the legislature; its judgment on linking rivers, for which there is no parliamentary legislation; and in its unpredictable decisions in cases relating to freedom of speech and expression, such as the recent one in which a BJP Yuva Morcha leader was asked in the bail order to apologise for sharing a meme, despite the guarantee in Article 19(1)(a) of the Constitution.

Types of jurisprudence

According to the positivist theory laid down by jurists such as Jeremy Bentham and John Austin in the 18th and 19th centuries, and continued by H.L.A Hart, Hans Kelsen and others in the 20th century, law is to be distinguished from morality and religion. However bad a particular legislation is, it is law at the end of the day, provided it emanated from a competent legislature (according to the earlier natural law theory, bad law was not law at all).

In positivist jurisprudence, the centre of gravity of the legal system is statutory law, i.e., law made by the legislature. It holds that lawmaking is not the job of the judges, but of the legislature. Hence, judges should be restrained and not activist in their approach. In view of the well-established principle of separation of powers of the three organs of the state, judges should not perform legislative or executive functions, and each organ of the state should remain within its own domain, in order to avoid chaos.

On the other hand, sociological jurisprudence, as developed in Europe and the U.S. by jurists such as Rudolph Ritter von Jhering, Eugen Ehrlich, Léon Duguit, François Geny, Roscoe Pound and Jerome New Frank, shifts the centre of gravity of the legal system from statute to laws made by judges. It



gives wide discretionary powers to judges to make laws.

Sociological jurisprudence and natural law have the same problem. Kelsen argued that with natural law, one can prove everything and nothing, and Bentham regarded natural law as metaphysical nonsense. Similar criticisms can be made of sociological jurisprudence, which the Supreme Court seems to be relying on. In other words, the court can lay down anything as law according to its own subjective notions.

Positivist jurisprudence places heavy reliance on the literal rule of construction, because departing from it would give a free handle to each judge to declare the law according to his own notions, and this would result in legal anarchy. For example, the Second Judges Case (1993) and Third Judges Case (1998), which created the collegium system of appointment of judges, were not based on any provision in the Constitution. Article 124, which prescribes how Supreme Court judges are to be appointed, does not talk of any collegium system. Yet, it is the collegium which decides the appointment of judges, despite the founding fathers of the Constitution not envisaging the same anywhere. In fact, despite the unanimous will of Parliament in favour of the National Judicial Appointments Commission (NJAC), the Supreme Court declared the NJAC Act to be unconstitutional on the grounds that it would affect the judiciary's independence.

In recent times, the Supreme Court has increasingly adopted the sociological school of jurisprudence in an aggressive manner. In a parliamentary democracy, the buck ultimately stops with the citizens, who are represented by Members of Parliament. The Supreme Court was never envisaged to perform the role of an unelected, third legislative chamber. Yet it is performing this role not in exceptional circumstances, but in its everyday functioning. Of all the three organs of the state, it is only the judiciary that can define the limits of all the three organs. This great power must therefore be exercised with humility and self-restraint.

In rare circumstances

The usage of sociological jurisprudence can be justified in very rare circumstances, such as in the Supreme Court's decision to strike down Section 377 of the Indian Penal Code.

In Griswold v. Connecticut, Justice Hugo Black of the U.S. Supreme Court warned that "unbounded judicial creativity would make this Court into a dayto-day Constitutional Convention". In his book, Nature of the Judicial Process, Justice Cardozo of the U.S. Supreme Court wrote, "The Judge is not a knight errant roaming at will in pursuit of his own ideal of beauty or of goodness". And as Chief Justice Neely of the West Virginia State Supreme Court observed: "I have very few illusions about my own limitations as a Judge. I am not an accountant, electrical engineer, financier, banker, stock broker, or systems management analyst. It is the height of folly to expect judges to intelligently review a 5000 page record addressing the intricacies of a public utility operation. It is not the function of a judge to sit as a super board or with the zeal of a pedantic schoolmaster substituting his own judgment for that of an administrator."

The Supreme Court should limit its usage of the sociological school of jurisprudence to only the most exceptional situations, and employ the positivist school as far as possible.

Markandey Katju is a former Judge, Supreme Court of India. Aditva Manubarwala is Law Clerk-cum-Research Assistant at the Supreme

The rise of the BJP in West Bengal

How it slowly gained strength to become the Trinamool's main opponent



SMITA GUPTA

The most vitriolic exchanges this election season have perhaps been between Prime Minister Narendra Modi and West Bengal Chief Minister Mamata Banerjee. The fierce contest in West Bengal is reflected in the voter turnout, which is the highest in the country in this election so far.

Indeed, just eight years after Ms. Banerjee's Trinamool Congress (TMC) brought the Left Front government's 34 years of uninterrupted rule to a dramatic end, a road journey through West Bengal makes it evident that there is a new rising star here, the Bharatiya Janata Party (BJP). In most constituencies, it is a direct fight between the TMC and the BJP, while in a handful, the Communist Party of India (Marxist) or the Congress is still in contention.

No organisation, a lot of strength

This is remarkable for the BJP, which is still a work in progress in the State. The party does not have much of an organisation in West Bengal, nor sufficient candidates from its own ideological pool. For many constituencies, it has had to seek out disgruntled persons from other parties to be its nominees. Across the State, the party's offices are just coming up. In South 24 Parganas, for instance, a recently bought threestorey building overlooking a pond smells of fresh paint. The cubicles are being readied. Saffron-coloured chairs are stacked on shiny floors. One wall is painted saffron, and against it, fibre glass busts of Bharatiya Jana Sangh (BJS) founder Syama Prasad Mookerjee and Rashtriya Swayamsewak Sangh (RSS) ideologue Deen Dayal Upadhyaya flank a statue of Bharat Mata.

But what the BJP does have in plenty in West Bengal is money. This is a new element in West Bengal politics, where long years of Left rule ensured - and encouraged - financial austerity. The party also has a growing army of musclemen, a staple for successful political parties in the State for at least half a century. "The BJP has no shongothon (organisation) but it has the shokti (strength) to take on the Trinamool," says a former Left supporter. "The Left parties still have a shongothon but no



namool rule have to vote for the BJP. Only the BJP can protect their votes." The Left Front's steady decline and the Congress's near annihilation has ensured that those disappointed with the TMC-promoted culture of violence as well as the State government's inability to tolerate dissent can look to the BJP now. If anger had been gradually building up against the TMC, it became apparent in the 2018 Panchayat elections. For the first time, non-ruling party candidates found themselves barred from even filing nominations in 34% of the seats. Not surprisingly, the BJP emerged second, even though it was distant from

Making inroads into the State

The BJP's entry into the State is not sudden, even if its 2014 victory in the general election widened its appeal in the State. Local RSS activists stress that RSS founder, K.B. Hedgewar, studied medicine in Calcutta, and that his early inspiration came from the State. They also stress that Syama Prasad Mookerjee was born in Calcutta. Senior RSS activist Dhanpat Ram Agarwal talks of attending a shakha in the early 1960s in Siliguri where he grew up. Conversations reveal that Hindu right-wing organisations have been working in West Bengal for more than six decades. They worked first with Marwari traders and migrants from eastern Uttar Pradesh and Bihar, in Kolkata's Burrabazar, in the State capital's industrial hinterland where the jute mills were situated, and in north Bengal. By the late 1960s, the RSS began to insist that its meetings be conducted in Bengali.

If long years of Left rule pushed the Hindutva agenda underground, Ms. Banerjee's overt wooing of Muslims, who constitute 28% of the population, through ill-advised measures such as providing a monthly stipend to imams, most of whom are now Trinamool activists, awakened a sleeping giant. For the RSS-BJP combine that has been trying to sell the difference between Bangladeshi Hindus ("migrants") and Muslims ("infiltrators"), especially in the border districts, and the dangers of what they call a "demographic imbalance that can affect social harmony", this was a perfect moment for take-off.

It took Ms. Banerjee time to see that her party was being branded by the BJP. She had already been financing puja committees. Now she began to patronise Ram Navami processions and Hanuman Jayanti. One TMC candidate was found posing on a poster that had a flying Hanuman, and another was photographed campaigning with workers holding 'Jai Sri Ram' banners. A young TMC worker told me that he now had "Hindutva inside him", indicating that he had made an ideological crossover.

A belated realisation

Meanwhile, many Left supporters, brought up on years of bloody battles with the TMC and encouraged by their leaders who are still targeting Ms. Banerjee rather than the BJP, are openly saying that in this election they will vote for the BJP to rid the State of the TMC. Belatedly, some CPI(M) senior leaders have realised the ideological shortsightedness of a campaign that has described the TMC and the BJP as two sides of the same coin. Former Tripura Chief Minister Manik Sarkar, who lost last year's Assembly election to the BJP, said recently: "To gain freedom from the TMC, don't make the mistake of choosing the BJP. It will be a blunder." Former West Bengal Chief Minister Buddhadeb Bhattacharya told the CPI (M) mouthpiece Ganasakti, "There is no use in leaping from a TMC frying pan into the BJP's fire. In some places, the danger is already present. Our task is to bring back the people from this self-destructive mode." But the warnings have come too late.

Ms. Banerjee, fighting possibly the toughest battle of her political career, remains popular in rural Bengal, where people continue to make a distinction between her and her workers. Many of her welfare schemes have worked, and the people are grateful. Muslims stand rock solid behind her. But the danger to her rule from the BJP is real and present. Ms. Banerjee realises it and continues to fight hard.

Smita Gupta is Senior Fellow, The Hindu Centre

SINGLE FILE

Rhetoric over real issues

Nationalism and Hindutva are the talking points this election, not everyday matters like jobs



This general election has largely been about optics, muscularity, glamour and positioning. After the attack in Pulwama, Kashmir, and the Indian air strikes in Balakot, Pakistan, the election campaign has been riding on a strong anti-Pakistan sentiment and polit-

icisation of the armed forces. At the same time, the campaign across party lines has been more about actors, cricketers and other "non-political" personalities. As far as ideology is concerned, the BJP's campaign is more explicitly about Hindutva politics now than it was in 2014.

The inherent paradox in the 2019 election is that although each of the above has been used to appeal to the ordinary citizen, policy matters that affect citizens directly in their everyday life appear to have fallen by the wayside, including healthcare, education, employment, working conditions, water, farming, prices and nutrition. Contrarily, this campaign has sought to deepen majoritarian paranoia, by glorifying one community and demonising another, and through the negative politics of fear, anger and vendetta.

The focus on negative politics is all the more surprising given some of the positive work done by the incumbent government. This includes the reach of gas cylinders, toilets, roads, electricity and, to some extent, housing in rural areas, all of which have seen a considerable push in the Modi era. Why then has this election been 'issueless'?

One can clearly witness the shift in the BJP's own issuebased slogans of of the past five years like 'Sabka Saath, Sabka Vikas', 'Beti Bachao, Beti Padhao', and 'Make in India' to more direction-less ones this time like 'Main bhi chowkidar' and 'Modi hai toh mumkin hai'. Does this framing reflect an intent to evade questions around the agrarian and job crisis?

Yet, anecdotal evidence suggests that many believe in the TINA (There Is No Alternative) factor. This indicates distrust in the Opposition's leadership, in regional parties and 'agenda-less' grand alliances. However, the danger here is that collective beliefs of this sort might make elected authoritarianism possible, leading to the delegitimisation of the federal structure of our democracy.

This election is also not about party manifestos and local candidates. Otherwise, citizens, irrespective of the political party or ideology they support, would have objected more strongly and widely to, say, people with criminal backgrounds being given tickets. One thing is clear: this election is more about personality than ideology. According to a recent analysis of 35 speeches by Prime Minister Narendra Modi, the word he most often used was "Modi". The real question and its answer then lie with the voters. What appeals to them the most this time: personality cults, charismatic dynasts and movie stars or issues and candidate qualifications?

The writer is a Ph.D. Scholar at the Department of Sociology, Delhi School

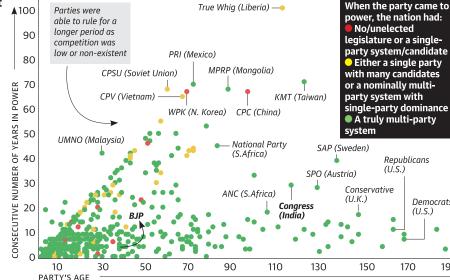


DATA POINT

Power equations

Countries with single-party systems have had political parties rule the longest in the world. There are exceptions, however. Mexico's PRI, Taiwan's KMT and Mongolia's MPRP enjoyed long tenures in power despite competing in multi-party systems. By Vignesh Radhakrishnan

Oldest and longest The graph plots the world's oldest political parties against the years they were in power consecutively at any point of time. For a party to be considered for analysis, it should have ruled for at least one year between 1975 and 2017. The party's age is calculated from the year it began to use its current name till 2017. If there were no significant changes in the party leadership. then the name change was ignored



Right, Left and centre

The graph plots the political leanings of 497 parties that have ruled since 1975. Communist Vietnam, Cuba and China have had a single party ruling them. The number of 20 Right-leaning parties in power increased in the mid-90s only to fall again, but the gap between the number of Left and Right-leaning ruling parties has narrowed lately

1987 1992 1997 2002 2007 2012 2017 1982

PRI: Institutional Revolutionary Party; UMNO: United Malays National Organisation; CPV: Communist Party of Vietnam; CPSU: Communist Party of the Soviet Union; MPRP: Mongolian People's Party; KMT: Kuomintang of China; SAP: Swedish Social Democratic Party; ANC: African National Congress; SPO: Social Democratic Party of Austria; WPK: Workers' Party of Korea; CPC: Communist Party of China

Source: Database of Political Institutions 2017

FROM The Finds, ARCHIVES

FIFTY YEARS AGO MAY 16, 1969

Nixon offers plan to end Viet Nam war

President Nixon offered last night [May 14, Washington] an 8point plan to end the war in Viet Nam, and to determine its future political structure. Its basic terms called for mutual withdrawals, according to an agreed time-table, of all foreign forces – U.S. and its Allies, as well as North Viet Namese – and a free voice for all political groups, including the Viet Cong, in deciding the complexion of the country's post-war Government. An international supervisory body, acceptable to both sides, would verify the withdrawals, arrange the cease-fires and supervise the elections that would be held as soon as possible after the first two events have occurred. Both parties would agree to abide by the Geneva accords of 1954 and 1962 relating to Viet Nam and Cambodia, and Laos respectively. North and South Viet Nam would be free to negotiate reunification. Mr. Nixon's plan, which is understood to have been in the making for the last three months, was formally presented by the President in a special nationwide telecast.

A HUNDRED YEARS AGO MAY 16, 1919.

Victory March in England.

To-day's [May 3] victory march of the Dominions' troops is the theme of editorial special articles which dwell on their glorious record retelling the stories of the battles in which they were most prominent. As one writer says, "each Dominion contingent in its first action set itself to reach and reached highest standard of desperate disciplined courage and though the ranks were refilled time after time by newcomers the same superb level of achievement was maintained". It is pointed out that Victoria Cross was never so hard to win as in the recent war, yet the number conferred was greater than the crosses gained by all arms in any previous campaign with the exception of the Indian Mutiny. A message from the King was handed to all members of the overseas forces on dispersal from parade expressing heartfelt pride and gratitude in taking the

POLL CALL

Casual vacancy

When the seat of a member of the Lok Sabha or the Rajya Sabha or a State Legislative Assembly or a State Legislative Council becomes vacant, or when his or her election is declared void, the constituency from where the member was elected can vote for another person to fill up the vacancy. If the vacancy is in a seat reserved for Scheduled Castes or Scheduled Tribes, the person to fill that seat must also belong to a Scheduled Caste or Tribe, as the case may be. A by-election to fill up such a vacancy should be held within a period of six months from the date of the occurrence of the vacancy.

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