



WORDLY WISE  
RICHES CANNOT BE GATHERED WITHOUT  
SIN AND EVIL MEANS.  
— GURU NANAK

The Indian EXPRESS

FOUNDED BY  
RAMNATH GOENKA

BECAUSE THE TRUTH INVOLVES US ALL

# Chiselling secularism

Award of five acres for masjid in Ayodhya is not act of constitutional largesse but effort to do complete justice



UPENDRA BAXI

## THE SESHAN EFFECT

How he transformed the EC is a lesson for those at the helm of watchdog institutions, more relevant now than ever

THE ELECTION COMMISSION of India was established as a constitutional authority in 1950 with the mandate to hold free and fair elections. But it wasn't until 1990, when TN Seshan took charge as Chief Election Commissioner, that citizens, and even EC officials, became aware of the extraordinary powers that the Constitution vests in the institution. The EC was a different body, after Seshan. In his six years as CEC, the 1955-batch IAS officer from Palakkad, Kerala, turned an unremarkable body into a powerful pillar of democracy, and in the process reformed and strengthened the election process. Changes initiated by Seshan had far-reaching implications, especially in northern India, and went a long way in deepening representative democracy. Elections in India have since become freer and fairer, and the EC itself a model institution for democracies across the world.

The story of Seshan and the EC is a striking example of the transformation an individual can achieve in a complex society with multiple levers of power. In retrospect, all that Seshan did was to enforce the authority of the EC as per its powers laid out in the Constitution. When the push-back came from the politicians, he stood his ground with the backing of the law. In clashes with the political class, his persona, aggressive, even abrasive, loomed larger than life, but it was the institution that ultimately won the battle. Seshan dusted off the model code of conduct and turned it into a powerful instrument to rein in political parties that were playing fast and loose with the rules of the game. The EC began to enforce campaign spending limits and candidates were asked to submit accounts of poll expenses within a reasonable time limit. Cases were slapped on those who refused to comply. The EC also began to monitor the campaign process more closely by staggering elections and deploying a large number of poll observers and central forces. Violations of the model code were punished. Seshan's actions helped weaken the politician-bureaucrat cabal that was subverting the democratic process in large parts of the country and ended practices such as booth-rigging and booth-capturing widely prevalent in states like UP and Bihar. These reforms allowed the less privileged groups which had acquired a new political voice in the wake of Mandal to vote more freely.

As SY Quraishi, a former CEC, wrote in this newspaper, "all his successor CECs basked in his glory, though we always carried the burden of being compared with him all the time". It is Seshan's lasting legacy that the bar has been raised for those who succeed him at the helm of the Election Commission.

## SLIPPING DOWN

Moody's downgrade is a wake-up call: A government with a strong political mandate must press the pedal on reforms

THE MOVE BY international credit rating agency, Moody's Investors Services, last week, to revise India's sovereign rating outlook from stable to negative while retaining it at Baa2 hardly comes as a surprise. With growth tapering and in the backdrop of a deepening slowdown, and with international agencies such as the IMF besides the country's central bank sharply marking down their 2019-20 growth projections for India, such rating action was inevitable. Moody's has said that its action partly reflected government policy ineffectiveness in addressing economic weakness, which in turn led to an increase in the debt burden. Governments typically contest such action by raters, and the finance ministry has said that the government has proactively taken policy action in response to the global slowdown and was expecting to attract more investment flows. It may be easy to brush aside the revision in rating, especially after the loss of credibility faced by rating firms following the 2008 financial crisis and also closer home. But the focus should now be on raising revenues and preventing fiscal slippages, instead of resorting to accounting sleight of hand.

That would mean some big ticket privatisation, as during the Vajpayee-led NDA 1, not the sham divestment seen with ONGC, IOC or LIC being nudged to buy into other state-owned companies. A couple of big divestments, including ones which attract foreign firms like BPCL and Air India, could be gamechangers in terms of enhancing competitiveness and efficiencies. Given the credibility deficit on fiscal accounting, it would be better for the government to be more transparent and account for all subsidies, including fertiliser, food and fuel on its own balance-sheet. Financial markets and investors may take a fiscal slippage of 25 to 30 basis points or close to 4 per cent in their stride as long as the budget figures and government accounting are transparent and credible.

Alongside, the government must also make an effort to shed what is generally perceived to be its anti-business approach, which threatens to hurt industry. Former Prime Minister Manmohan Singh had rightly said three years ago that in a crisis "we act constructively and when it is over, status quo takes over". The bottomline is this: A government with a strong political mandate and which is still in the early days of its second term, can surely press the pedal on reforms.

## TREAT THE DISEASE

Helping those with paedophilic tendencies before they harm children is a welcome and necessary move

IN MATTERS OF sexual crime and criminals, where there is an understandable social revulsion towards the perpetrators, the law tends to be blunt and the public discourse vitiated by a collective desire for revenge. While paedophilia has been classified by the World Health Organisation as a disease, there are few mental health professionals in India equipped to deal with it. Over the last five years, though, that has been changing. As reported in this newspaper, over 300 people suspected of having paedophilic tendencies have reached out to a network of psychologists and psychiatrists based in Mumbai and Pune, seeking help.

There are, as there should be, severe legal consequences for those who sexually assault and target children under the POCSO Act. But doctors at the KEM Hospital Research Centre in Pune and the KEM hospital in Mumbai attempt to treat paedophilia through counseling and anti-depressants, especially those who are "at the lower threshold of the disease" and have not been booked under the Act. According to Klaus Beier, director of the Institute of Sexology and Sexual Medicine in Berlin's Charité University, at least 1 per cent of the male population suffers from paedophilia. Given India's population, that's too sizeable a number to leave unaddressed and untreated.

The initiative to open the door to those who want to deal with their paedophilic tendencies is welcome. Too often, the fear of the stigma that comes with articulating such feelings keeps them bottled up, leading to horrifying consequences. That a section of mental health professionals is taking a series of steps — from anonymous helplines to expanding the number of doctors capable of managing the disorder — to make a conversation possible is welcome. No society can leave the well-being of its children outside the ambit of the law, and once acts of sexual violence are committed, they must be prosecuted. But it is also important to deal with those who seek treatment, before the worst happens, with compassion and sympathy. It is important to treat the disease, not merely punish the diseased.

THE SUPREME COURT of India has performed many an interpretive wonder but a unanimous judgement by a constitutional bench of five justices must count as a miracle. And that too in as volatile a situation as the Ayodhya dispute. Several mediation attempts proved fruitless, and all parties expressed faith in the eventual judicial reasoning and result. A 40-day hearing (from October 16, till the judgment on November 9) was a unique achievement in the annals of the apex court.

The court was particularly mindful of the social impact of violence and the chequered history of 135 years of "flashpoint of continued conflagration". All political parties have issued appeals for social harmony and the prime minister's appeal to his party to maintain social peace and not to politically polarise the decision has been echoed by several parties and leaders. One hopes that maximum restraint and responsibility will prevail for the good of the nation and the discipline with which it has been greeted so far will continue.

In a finely chiselled decision, the court rules the award of 2.77 acres for the construction of Ram Mandir in Ayodhya and an alternate space of five acres for a new mosque. The decision is open to recourse to review and a curative petition, although all parties had agreed to accept fully the final decision.

The addendum, running into 116 pages, discusses whether the disputed structure is the holy birthplace of Lord Ram as per the faith, belief and trust of the Hindus. This, clearly, cannot be part of the judgment because anonymous judicial opinions are constitutionally impermissible.

If the litmus test of a good constitutional decision is the scrupulous judicial avoidance of constitutional othering, this judgment valiantly succeeds. It clearly frames 16 "points for determination" and firmly holds that during the intervening night of December 22/23 1949, Hindu idols were installed under the central dome of Babri Masjid and that the 1992 demolition of the masjid was "unlawful". And it decides, fur-

ther, that the court must, "as a secular institution, set up under a constitutional regime, steer clear from choosing one among many possible interpretations of theological doctrine". "Above all", it said, "the practice of religion varies according to the culture and social context", which "indeed is the strength of our plural society". This means that not faith, but secular law and evidence, should help decide all constitutional matters.

Ill-informed comments, even by some eminent leaders of the Bar, prevail about the future. They remain ignorant of the fact that Parliament in 1991 enacted the Places of Religious Worship Act. This prohibits the conversion of any place of worship (save Ayodhya, which was then before the courts) and "speaks to the future by mandating that the character of a place of public worship shall not be altered" and "seeks to impose a positive obligation to maintain the religious character of every place of worship as it existed on 15 August 1947". Going through parliamentary debates, the court finds a clear legislative intention to "bind those who govern the affairs of the nation at every level" and that these norms "implement the Fundamental Duties under Article 51A and are hence positive mandates, every citizen as well". Secularism is again declared a constitutional commitment and obligation and "a part of the basic feature of the Constitution". Any future amendment or repeal of the law is rendered unconstitutional because these principles are "non-derogable" and based on the principle of "non-retrogression".

In a long-ish analysis of legal personality, the court explains why (while ruling that Asthan Shri Ram Janam Bhumis is not a juristic person) "in a country like ours where contesting claims over property by religious communities are inevitable", it "cannot reduce questions of title, to a question of which community's faith is stronger". All these are strong assurances of secularity that the apex court now chooses to reinforce, and these negate altogether the facile claim that it is, or may be, swayed in future by considerations extra-

neous to constitutional secularism. And yet, it seems, that the indictment of constitutional othering may have to do with the way in which the court has dealt with the issue of "preponderance of probability" of evidence and the reliance on the ASI report as secular evidence. The latter has been subjected consistently to two caveats in any final determination: First, that the report does "find the evidence of pre-existing structure" and second, it leaves unanswered whether a Hindu temple had been demolished to pave the way for the construction of the mosque.

As regards the former, it rules that for a long period "of over 375 years which elapsed since the date of the construction of the mosque until the setting up of a grill-brick wall by the British", the Sunni Waqf Board has not adduced any clinching evidence of the exercise of possessory control over the disputed site; nor "is there any evidence of offering namaz in the mosque over this period". Strange though it may look to non-lawyers, the law requires a party which claims uninterrupted, continuous, adverse possession to fully meet the burden of proof.

This article is a plea for a careful study of this encyclopaedic decision. The award of five acres of land in Ayodhya is not an act of constitutional largesse but an exercise of power and duty to do complete justice under Article 142 of the Constitution. What is addressed here is the meagre remedy for "a wrong committed" because justice would cease to exist if the court "were to overlook the entitlement of the Muslims who have been deprived of the structure of the mosque through means which should not have been employed in a secular nation committed to the rule of law." "Equality of all faiths" is a constitutional command. And the Constitution requires "tolerance and mutual co-existence", which alone will nourish "the secular commitment of our nation and its people".

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PRITAM SINGH

## A HUMANIST ABOVE ALL

Guru Nanak's message transcends time and space

GURU NANAK (1469-1539), whose 550th birth anniversary is being celebrated on Tuesday, is the greatest thinker, philosopher, poet, traveller, political rebel, social leveller, mass communicator and spiritual master the land of Punjab has produced. He was born in a village, Talwandi Rai Bhoi, near Lahore which was renamed later as Nankana Sahib. The room in which he was born constitutes the inner sanctum of the Gurdwara Nankana Sahib.

There are fairly reliable accounts about Guru Nanak's life. His was an upper caste Khatri Hindu family and his father was an administrative official in the office of a local Muslim chieftain. In his youth, he used the medium of music, poetry, song and speech to preach the love of God and to attack the politically oppressive policies of the Mughal regime and the socially oppressive practices of casteism of the orthodox Brahminical Hindu religion. He also attacked the wealthy and spoke in favour of an equitable social status for women.

He used the language of the masses, Punjabi, to preach his ideas. This was in sharp contrast to that of the Hindu priests and the Muslim clergy, who used Sanskrit and Arabic respectively. Rejecting Sanskrit (which was called *dev bhasha*, the language of the gods), Guru Nanak used Punjabi (*lok bhasha*, people's language) to communicate his egalitarian teachings. He also attacked the following among the lower castes, mainly Hindus but also some converts to Islam.

His followers came to be known as Sikhs;

*sikh*, a Punjabi word, means a learner or a disciple and is a variant of the Sanskrit word *shishya*. Some of his early followers came from his own Khatri caste. However, for the large mass of Punjabis who were attracted to Guru Nanak's teachings, it was the content of his teachings (equality), the medium of his communication (Punjabi) and the form of his communication (poetry, song and music), which attracted them to Sikhism. He can, therefore, be legitimately characterised as the founder and articulator of a truly Punjabi religion which attracted followers from all caste groups in Punjabi society but predominantly from peasant and artisanal classes.

The time when Guru Nanak was born was a period of great strife in Indian society, especially in the Punjab region. Guru Nanak responded — as all great thinkers, philosophers and those whom we call prophets respond — to the historical crisis of the society in which he was born. However, it is also vital to grasp how he transcended the limitations of geographical space and historical time in delivering a message that had universal relevance. The fact that in his own lifetime, communities of his followers had emerged in what are today India, Pakistan, Bangladesh, Afghanistan, Nepal, Tibet and Sri Lanka — and even in Iraq and Iran — illustrates that his message had transcended the geographical boundaries of Punjab. He consciously went on long journeys (called *ud-dasian*) to far off places along with his two companions Bhai Bala, a Hindu, and Bhai Mardana, a Muslim, to hold dialogues with

many saints and Sufis — even, some charlatans who claimed some spiritual powers and had some social following.

His written compositions were included in the *Adi Granth* compiled by Guru Arjan (1563-1606), the fifth Sikh guru. This came to be known as *Guru Granth Sahib* after the additions made by the 10th guru Guru Gobind Singh (1666-1708). In compiling the *Adi Granth*, Guru Arjan showed a remarkable commitment to pluralism while retaining the unity of thought initiated by Guru Nanak. He included in the *Granth* the teachings and writings of all the five Sikh gurus but also the contributions made between the 12th and 16th centuries by many Hindu bhaktas and Sufi saints such as Baba Farid, Sant Kabir, Guru Ravi Das and Sant Namdev.

The best way of understanding Guru Nanak's universal vision is to read the *Guru Granth Sahib*. The ecological message of his teachings, which has strong relevance for our times, is perhaps, the best illustration of the universalism of his teachings.

In the last phase of his life that Guru Nanak spent at Kartarpur Sahib, he provided a practical demonstration of building a community based on strong egalitarian values of cooperative agricultural work and innovative social institutions of *langar* (collective cooking and sharing of food) *pangat* (partaking food without distinctions of high and low) and *sangat* (collective decision making).

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## NOVEMBER 12, 1979, FORTY YEARS AGO

### CHARAN VS RSS

PRIME MINISTER CHARAN Singh blamed "Jana Sangh-RSS elements" for disturbing his public meetings and warned that, in retaliation, Lok Dal would not allow the Jana Sangh to hold a single election meeting anywhere in the country. For the fourth time in a row, his election meeting was sought to be disturbed in Indore through heckling by sections of the audience. He was repeatedly jeered at all the earlier three meetings also, which he addressed in Jhabua, Ratlam and Dharon on the first day of his two-day election tour of Madhya Pradesh. At all the three places, he squarely blamed Jana Sangh-RSS elements "for fomenting trouble".

### WORLD FOOD CRISIS

THE THIRD WORLD is heading towards a massive food shortage that could lead to "economic disaster" within the next 20 years, according to a report to be presented at a UN food conference opening in Rome tomorrow. By the year 2000, nearly 250 million people would suffer from serious malnutrition "even if we make the most enormous efforts to increase food and agricultural production", says Edouard Saouma, director-general of the United Nations Food and Agriculture Organisation in the report. If the present trends continue, the number of those suffering from malnutrition would remain at about 400 million.

### SECULAR RSS

THE RASHTRIYA SWAYAMSEWAK Sangh chief, Balasaheb Deoras, attacked the critics of dual membership and said this bogey had been raised by some persons with vested interests who wanted to destroy the party. However, he did not name the Janata Party. Addressing a gathering at the conclusion of the three-day camp of swayamsewaks in Amritsar, Deoras defended the ideology of the Sangh and refuted the charge of communalism levelled against the RSS. Deoras said a Hindu, historically, could never be communal. "Secularism is in the blood of the Hindus," he said.

## WHAT THE OTHERS SAY

“Both China and India are victims of air pollution and two countries should join hands to create clear blue skies. What China has achieved offers valuable experience to India, while China could also learn from India’s plight. China and India mirror one another, and there is plenty of room for cooperation.”  
— GLOBAL TIMES, CHINA

## Going beyond Kartarpur

Building on the Punjabi spirit can help the Subcontinent transcend divisions



RAJA MANDALA  
BY C RAJA MOHAN

THE KARTARPUR Sahib Corridor, which has materialised against all odds, is a political enigma. Some see it as a ray of hope amidst the darkness that has enveloped India-Pakistan ties. For others, it is very much part of the problem that afflicts the bilateral relationship. The divergence cuts across the political divide.

For former Prime Minister Manmohan Singh, the corridor could be a harbinger of improved relations between Delhi and Islamabad. But his party colleague and chief minister of Punjab, Amarinder Singh, had consistently drawn attention to the possibility that the initiative is part of Pakistan’s longstanding interest in stoking Sikh separatism.

On its part, Delhi has extended strong support to the construction of the four-kilometre corridor connecting Dera Baba Nanak on the Indian side and Gurdwara Darbar Sahib at Kartarpur across the border. But there is no hiding the wariness in the Indian security establishment about Pakistan’s sudden enthusiasm for the corridor that it was unwilling to consider in the past.

In Pakistan, too, differences have been manifest. Although Prime Minister Imran Khan and the Army have both been eager to promote the corridor, the differences between them have been open. The Army, for example, contradicted Khan’s affirmation that Sikh pilgrims can enter through the border without passports. Many Islamic leaders in Pakistan have criticised the corridor as a violation of the nation’s sovereignty.

Despite many critical voices on either side and some difficult negotiations between Delhi and Islamabad, the corridor is now open. Even as the world welcomes it, there is no escaping the fact that the corridor is a remarkable exception to the current dynamic between India and Pakistan.

There is no formal dialogue between the two countries for quite some time now. Nor is there any speculation about a back-channel dialogue that is sustaining a minimum level of communication between the two leaderships. Political and military tensions are running high since the Pulwama terror attack in February, India’s bombing of the Balakot terror training camp in response, the skirmish between the two air forces that followed, and Pakistan’s angry reaction to India’s decision to change the constitutional status of Jammu and Kashmir.

While the Pakistan army’s motivation in pushing for the corridor will continue to be debated, it is important to note an unintended consequence of the initiative. The corridor has drawn attention to an important but neglected dimension of the relations between Delhi and Islamabad—the Punjab question.

The Kashmir issue has long dominated the regional framing of India-Pakistan relations within the Subcontinent and beyond.

The intractable nature of the dispute casts a pessimistic shadow over the region. But Punjab, in recent years at least, has often shown the possibilities for potentially transformative breakthroughs in bilateral relations.

Unlike Kashmir, which is a loose collection of cantons that came together accidentally, Punjab is a coherent geographic and civilisational space. If the diverse regions of Kashmir have been marginal to the geopolitical evolution of the Subcontinent until the middle of the 20th century, Punjab has been very central to the ebb and flow of Indian history through the ages.

In contrast to Jammu and Kashmir, there is shared ethnic, linguistic and cultural identity that binds the people of Punjab. This shared identity has indeed survived the unspeakable tragedies that Partition inflicted upon the province. It is the cultural bond as well as the shared sorrow that makes the region most eager in the Subcontinent for a reconciliation between India and Pakistan.

While some in Rawalpindi might want to turn the Kartarpur corridor into the Khalistan card, Delhi must focus on the possibility of strengthening what unites the people of the province — the idea of Punjabiyaat. Since the late 1990s, the governments led by Atal Bihari Vajpayee and Manmohan Singh in Delhi, as well as the Congress and Akali governments — led respectively by Amarinder Singh and Parkash Singh Badal, have actively sought to develop economic and cultural cooperation across the Radcliffe Line that divides the two Punjab.

There were moments in the last two decades when these initiatives appeared very close to fruition. The plans included the expansion of the scope of overland trade at the Attari-Wagah border, facilitating hydrocarbon and electricity exports from the Indian Punjab to Pakistan and expanding cultural contacts.

That Rawalpindi seemed to pull the plug each time might suggest that the prospects to advance cooperation between the two Punjab is limited. Even as he lauds the corridor as a new beginning in bilateral relations, Khan insists that the resolution of Kashmir is critical for normalisation of bilateral relations between the two countries.

But, the fact that the Kartarpur corridor has been realised despite Pakistan’s traditional logic on the relationship with India, should encourage Delhi to reconsider initiatives to promote cooperation across the Radcliffe Line. Even more important, Delhi must look beyond the formal dialogue with Islamabad and the para diplomacy between Chandigarh and Lahore.

Delhi should recognise that the footprint of Punjab and its people goes beyond India and Pakistan — it has significant influence in many parts of the world. Prime Minister Narendra Modi could add a new layer to his diaspora diplomacy if he promotes the celebration of ‘Punjabiyaat’. That might help transcend the Kartarpur exception, facilitate the long-overdue collective reflection on what binds us together in the Subcontinent and how we might overcome our current divisions.

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## A vision for equality

On his 550th birth anniversary, Guru Nanak’s teachings are more relevant than ever. They provide a road to a better future



M VENKAIAH NAIDU

which there is no hierarchy.

Respect for women and gender equality is another important lesson to be learnt from Guru Nanak’s life. Referring to women, the Guru says: “How can they be inferior when they give birth to men? Women as well as men share in the grace of God and are equally responsible for their actions to Him.”

For him, the whole world is God’s creation (*Jeeye kaa ik daata*) and all are born equal. There is only one universal creator. “Ik Omkaar Satnaam.”

Echoing the Sanskrit saying “Vasudhaiva Kutumbakam” that describes the whole world as one family, Guru Nanak Dev goes on to say:

*“When he stops thinking in terms of ‘mine’ and ‘yours’/Then no one is angry with him./When he clings to ‘my own, my own’/Then he is in deep trouble./But when he recognises the Creator Lord/Then he is free of torment.”*

This spirit of living together and harmoniously working together is a consistent thread of thought that runs through Guru Nanak hymns.

What is remarkable about Guru Nanak is the fact that he not only formulated the principal doctrines of Sikhism, but took care to ensure that his teachings would endure.

The ideal of equality was given a concrete institutional form in the community meal, “langar”, where all devotees, irrespective of caste, creed, region and religion sit in a row called “pangat” to share a meal. The place of their meeting, called “dharamsal”, is regarded as sacred and the common religious congregation — “sangat” — was open to all.

These institutional structures are an eloquent testimony to the Guru’s timeless vision of equality and non-discrimination. This spirit of equality began with Guru Nanak’s clear recognition that there is no distinction between a Hindu and Mussalman. For him, no country was foreign and no people were alien.

It is worth noting that Guru Nanak initiated inter-faith dialogue way back in the 16th century and had conversations with most of the religious denominations of his times. The world needs such spiritual leaders who can engage in a meaningful dialogue to exchange ideas in order to promote peace, stability and cooperation.

Guru Nanak’s vision was pragmatic and holistic. It was not a vision of renunciation but of active involvement. Between the ascetic and the epicurean, Guru Nanak chose the middle path — the Grihastha Ashram or the life of a householder. It was an ideal path as it offered opportunities for social, material and spiritual growth of an individual.

Work, worship and share (*kirat karo, naam japo and vand chhako*) was the motto he placed before his disciples. Earn by honest labour and share the earnings with the needy. He suggested that one should share one’s prosperity with others who needed help. He advocated the concept of “daswandh” or donating one-tenth of earning among needy persons.

Nanak was an extraordinary saint who synthesised the best elements in various religions and spiritual traditions.

I am happy that the corridor that connects the Sikh shrines of Dera Baba Nanak Sahib in Punjab to Gurdwara Darbar Sahib at Kartarpur in Pakistan, the sacred space where Guru Nanak spent the last 18 years of his life, has been opened to enable pilgrims to visit the shrine.

Guru Nanak’s vision is timeless and has as much relevance today as it was when it was expounded five centuries ago.

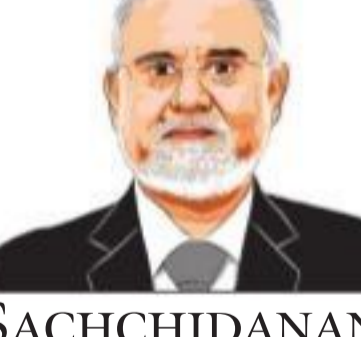
If we can internalise and integrate these messages in our daily lives and reshape our thinking and actions, we can certainly discover a new world of peace and sustainable development.

The writer is Vice President of India

Guru Nanak was a great champion of equality. For him, the differences and multiple identities based on caste, creed, religion and language were irrelevant. He had said, ‘Preposterous is caste, vain the distinction of birth. The Lord gives shelter to all beings’. He aimed at creating a casteless society in which there is no hierarchy.

## Legacy for a civilisation

Nanak’s teachings hold out hope for us all



SACHCHIDANAND JOSHI

THE GREATNESS of a person is not measured merely on the basis of the good deeds done in his or her lifetime but by the impact of such deeds over centuries. India has certainly been blessed with great individuals who left their impact on the Subcontinent, and Guru Nanak Dev was one such person.

It has been 550 years since Guru Nanak Dev graced this world. And, with each passing day, the great glory of Guru Nanak keeps expanding, transcending the boundaries of nation, geography, religion, language and culture. Bhai Gurdas, the eminent Sikh scholar, rightly described Guru Nanak’s birth as something like the end of chaos and the beginning of a new dawn, the rise of a new sun. The long night that preceded his birth was gone the instant he came into this world, even as Guru Nanak declared that God is one — formless and without birth and death.

One can say that Guru Nanak was the harbinger of a new era of Indian civilisation. He was a great spiritual leader but his concerns were not confined to matters of religion. He was an enlightened soul who could see what the science of his time could not see. He had a vision for the upliftment of the society. He could see what other people

could not even imagine then: He had a vision that there are infinite celestial bodies in a galaxy and millions of skies. Guru Nanak said that the earth rests on the foundation of law or dharma. Remember, in Indian tradition, dharma means law, principle or way of life. It is not a direct translation of the English word, religion. We might say that Guru Nanak was preparing the ground for the Indian renaissance.

Guru Nanak Dev was not an armchair philosopher or a world-renouncing ascetic. He stood for karma as the basis of dharma, and he transformed the idea of spiritualism into the ideology of social responsibility and social change. Earning bread through honest labour and sharing its fruit with the community is the idea behind the lasting legacy of Guru Nanak’s teaching.

Guru Nanak cautioned people to not use religion for earning material benefits. He also led a sustained attack on social inequality arising out of false pride, which in turn comes from caste hierarchy. He created a philosophy of social responsibility, and opposed everything that looked like religion but was actually a trap to exploit the vulnerable. Guru Nanak has explained that reciting god’s name, and unflinching faith in the

way god functions is the basis of an ethical life. Guru Nanak was not in search of such notion of truth which had metaphysical, philosophical, logical or other complexities. He valued a simpler notion of truth, a truth that was the basis of honest living. He declared that truth has the highest value in life, but truthful living is higher still in value. In this way, Guru Nanak bridged the gap between the idea and practice of truth.

Guru Nanak also showed how women, who are the embodiment of devotion in Bhakti literature, are central to human life. He even created awareness related to the conservation of water, and the importance of a clean environment. His teachings related to selfless service were very practical and adaptable for the common man: He never preached anything which he did not practice.

Guru Nanak was also a great traveler. He could well be the most travelled saint in the world, who travelled more than 30,000 kilometres. It is difficult to imagine the way he could have managed it with his disciple Mardana, 550 years back. He not only travelled but also had cordial discussions with prominent leaders of different beliefs. He tried to understand their points of view and

then put forward his vision of humanity. Shri Guru Granth Sahib gives an idea of a variety of saints he could have met, and their thoughts also find a prominent place in the holy book.

It was a time when India was passing through a crucial phase, and society was undergoing a lot of changes and imbalances in the medieval period. Guru Nanak had the courage to say “Na koi Hindu na Musalman”, and that all are the children of one god.

He emphasised on three things: “Kirat karni”, which means to work hard, and earn good karma and an honest livelihood; “vand chakhna” which means to not be selfish, and share with others; and, “naam japa”, which means to meditate and remember the name of god.

Guru Nanak’s life, teachings and writings are part of the collective legacy of human civilisation. His path of unity, equality, humility and service to mankind is being followed still by a large number of people across the world. The need of the hour is to remember Guru Nanak Devji and follow his teachings for national unity and social harmony.

The writer is member-secretary, IGNCIA

## LETTERS TO THE EDITOR

### LET’S TALK HARMONY

THIS REFERS TO the editorial, ‘India, a temple and a mosque’ (IE, November 10). While all parties should respect and abide by the apex court’s Ayodhya verdict, it will be a good gesture on the part of the Centre to allot a plot of 5 acres out of the acquired land of 67 acres to Sunni Waqf Board for the construction of a mosque. The area around the Ram temple should be developed as a microcosm of communal harmony.

Anoop Kumar Srivastava

### WRONG EXAMPLE

THIS REFERS TO ‘Peace and a temple’ (IE, November 10). The author’s use of the example of demolition of the Russian Church suggests that he has not read the entire Ayodhya judgment. The SC judgement has clearly mentioned that it has not found any evidence of a temple being demolished to build the Babri Masjid. This is also one of the drawbacks of the judgment — an incorrect perception will remain in the mind of people.

SZA Hussain, via email

### FARMERS’ INTERESTS

THIS REFERS TO the article, ‘Seeing a blind spot’ (IE, November 8). The development of agriculture needs a multi-pronged strategy which takes

### LETTER OF THE WEEK AWARD

To encourage quality reader intervention, The Indian Express offers the Letter of the Week award. The letter adjudged the best for the week is published every Saturday. Letters may be e-mailed to [editpage@expressindia.com](mailto:editpage@expressindia.com) or sent to The Indian Express, B-1/B, Sector 10, Noida-UP 201301.

Indra Satish Reddy, Nalgonda



@ieExplained

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If there are questions of current or contemporary relevance that you would like explained, please write to explained@indianexpress.com

## TELLING NUMBERS

## Indian Police: Feeble capacity, high vacancies, and low diversity

THE FIRST edition of the India Justice Report — brought out by the Tata Trusts in partnership with the Centre for Social Justice, Common Cause, Commonwealth Human Rights Initiative, DAKSH, TISS-Prayas and Vidhi Centre for Legal Policy — has ranked states and Union Territories on the four pillars of the justice system: Police, Prisons, Judiciary and Legal Aid.

The report underscores the capacity deficit plaguing policing in the country. According to the report, only 10 of the 22 states for which data were available, was able to fully utilise its police modernisation fund.

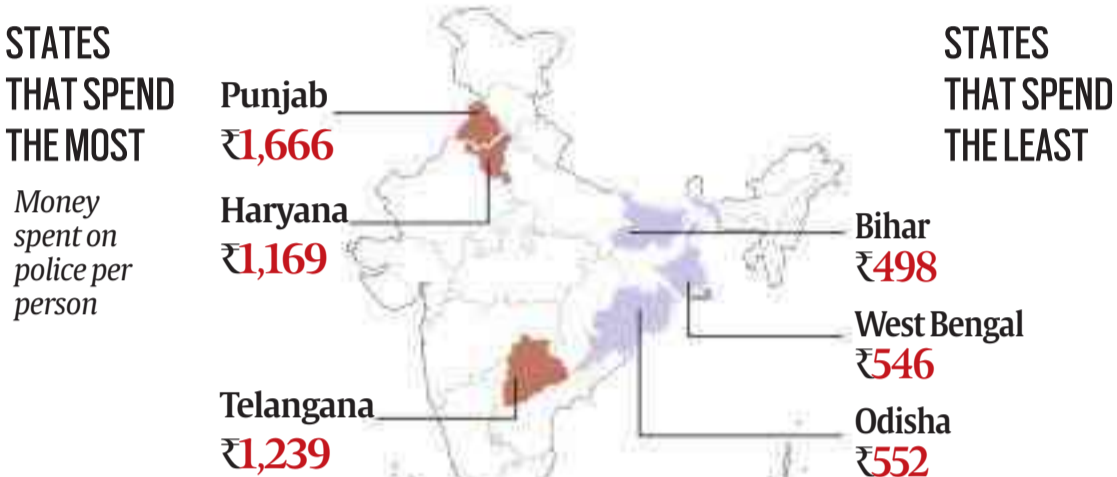
Over the past five years, in just 14 of the 33 states and UTs for which data are available, police expenditure grew more than the state's overall expenditure.

The tables below refer only to the 18 large- and mid-sized states where 90% of India's population lives. The map shows the three states that spent the least and the most respectively on police per person in 2015-16. The report also found that on average there were more than 20% vacancies in the police.

Tables 1, 2 and 3 detail the worst performers among the major states when it comes to vacancies related to SCs, STs and OBCs respectively.

In 2009, the Government of India had adopted a target of 33% reservation for women in police.

As of January 2017, women make up just 7% of police. Table 4 details the number of years required by some states to achieve the 33%-mark at the current rate.



Source: Data on Police Organizations, Bureau of Police Research and Development (BPR&D); Combined Finance and Revenue Accounts of the Union and State Governments in India, Comptroller and Auditor General of India; Primary Census Abstract, Census 2011; Open Budgets India

Note: \* 2015-16

TABLE 1: STATES WITH THE HIGHEST VACANCY RATES FOR SC OFFICERS

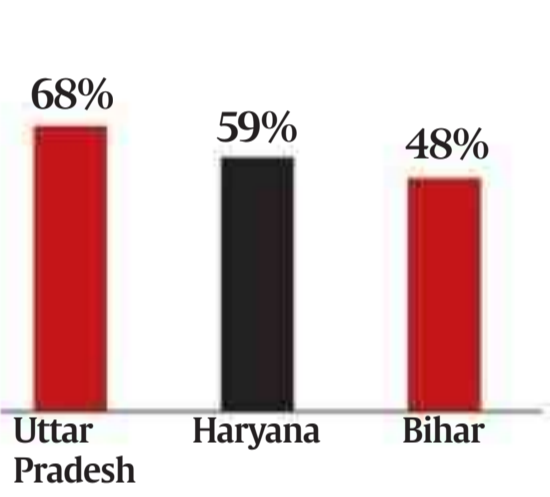


TABLE 2: STATES WITH THE HIGHEST VACANCY RATES FOR ST OFFICERS

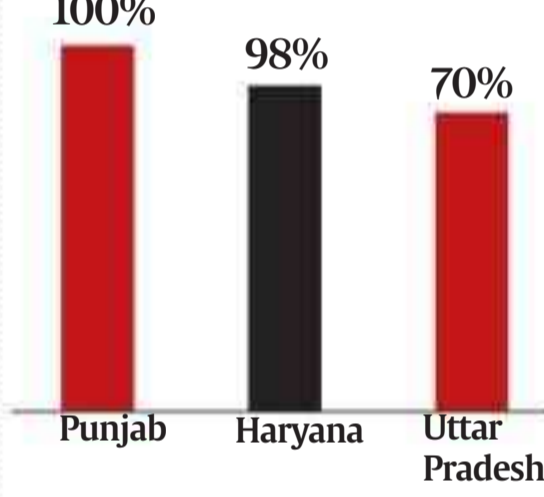


TABLE 3: STATES WITH THE HIGHEST VACANCY RATES FOR OBC OFFICERS

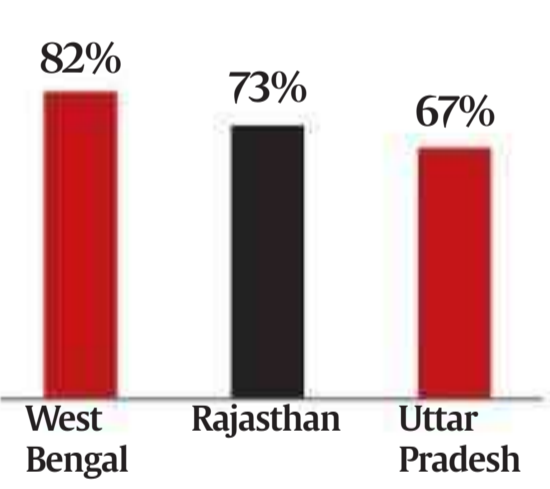
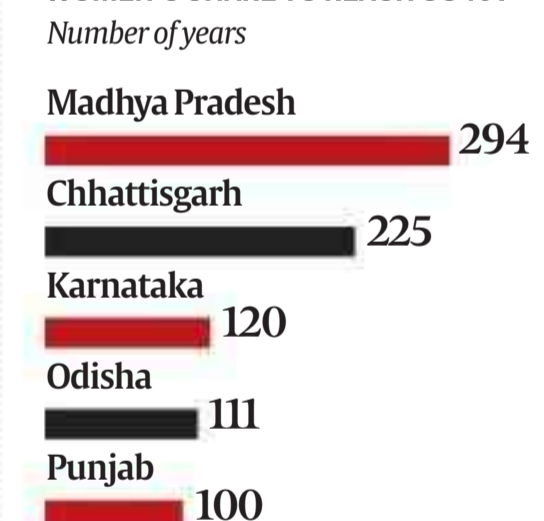


TABLE 4: HOW LONG WILL IT TAKE FOR WOMEN'S SHARE TO REACH 33%?



Source: Data on Police Organizations, Bureau of Police Research and Development (BPR&D)

## SIMPLY PUT QUESTION &amp; ANSWER

## The battle over H-1B, H-4 visas

H-1B and H-4 visas, at the centre of an important lawsuit in the US, have long served as a common passage for Indians into America. Out of the 4,19,637 H-1B applications in 2018, 74% came from India

KARISHMA MEHROTRA  
NEW DELHI, NOVEMBER 11

A UNITED States court ruled on Friday that a group of American-born tech workers have faced heightened job competition from work authorisations given to the spouses of H-1B visa holders. That being said, the judges gave Indian workers living in the US short-term breathing room by leaving the final decision of the ongoing lawsuit up to a lower court.

## What are the H-1B and H-4 visas?

The lottery-based H-1B visas allow US companies to employ foreign workers temporarily in specialised occupations for three years, extendable to six years. The issuances are capped at 85,000 a year, but some employers such as universities and research nonprofits are exempt.

Spouses of H-1B workers are granted an H-4 visa, through which some have been allowed to apply to work in the US since a Barack Obama-era 2015 law. Since the law was instituted, a total of 1,20,514 H-4 visas have been granted, of which 1,10,649 have come from India. Out of the 90,946 that were initially approved, 84,935 were for women.

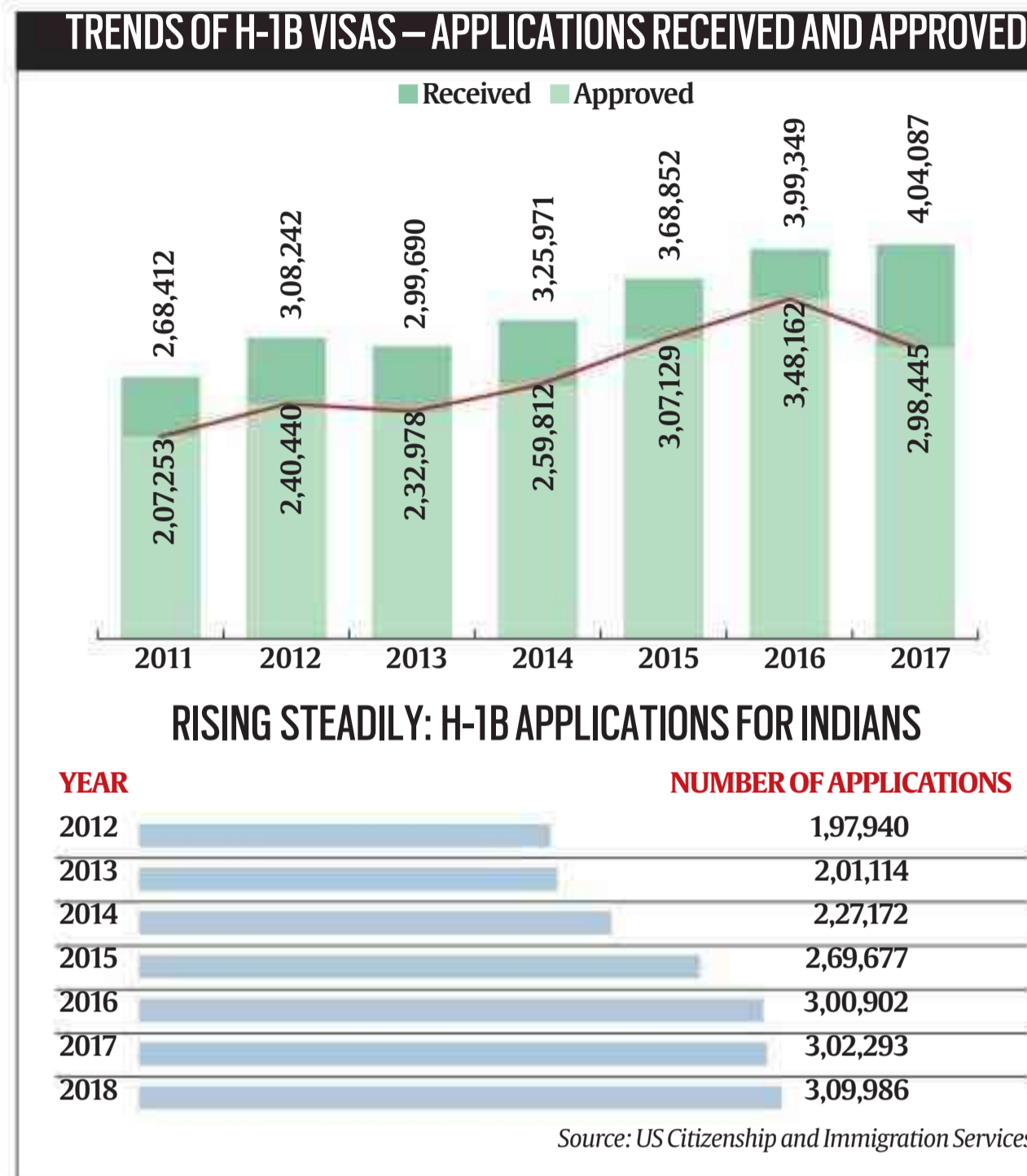
The H-1B visa has long served as a common passage for Indians into the US. Out of the 4,19,637 H-1B applications in 2018, 74% came from India. Most beneficiaries are aged 25-34, and are in fields involving computers.

## What was the US lawsuit?

The "Save Jobs USA" suit was originally filed in 2015 by two IT workers and one systems analyst against the US Department of Homeland Security. Their affidavits stated that they worked for more than 15 years at Southern California Edison until they were fired and replaced by H-1B visa holders.

The suit argued that the H-4 work authorisation violates immigration law and exceeds Homeland Security's authority.

The plaintiffs lost in the district court in 2016, and appealed in federal court in Washington DC. During the transition between the Obama and Trump administrations, the appeals court held the matter as the new administration was considering eliminating the work authorisation. Homeland



## RISING STEADILY: H-1B APPLICATIONS FOR INDIANS

YEAR	NUMBER OF APPLICATIONS
2012	1,97,940
2013	2,01,114
2014	2,27,172
2015	2,69,677
2016	3,00,902
2017	3,02,293
2018	3,09,986

Source: US Citizenship and Immigration Services

5,500 to 8,200 jobs that would've been filled by Americans if they weren't allowed to work.

## So what happened last week?

Friday's ruling came from a three-judge panel in the Washington DC circuit. The judges disagreed with Homeland Security that the H-4 work authorisation is also not at fault. "We disagree. The rule will cause more H-1B visa holders to remain in the United States than otherwise would — an effect that is distinct from that of the H-1B visa holders' initial admission to the country". Although the ruling states that the tech workers do face increased competition from the H-4 work authorisation, the final merits of the lawsuit will be determined by a lower court.

## How has H-1B changed over time?

The Trump administration has visibly ramped up H-1B denials, under the executive order "Buy American and Hire American". H-4 visas have also been issued at a much lower rate, with initial approvals dipping from 31,017 in 2016 to 27,275 in 2017 to 6,800 in 2019.

In August, the Department of Labor released for the first time the names of companies where H-1B visa holders are conducting work, even if they are employed by a third-party staffing or outsourcing firm. The release of data was seen as another move to target occupation visa programmes that the President and his base believe are cutting into job opportunities for American-born citizens.

Indian outsourcing corporates such as Tata, Infosys, and Wipro faced denial rates of 28%-46% from 2015-19. US-based companies such as Ernst & Young, Deloitte, and Cognizant saw 18%-52% rejection rates, but Big Tech companies like Apple, Google and Facebook faced little change in H-1B visa approvals in that time period, according to a report from National Foundation for American Policy.

Still, Big Tech is affected by the increased rejections. Many of them hire contract workers from the outsourcing companies that have been affected, meaning the Big Tech companies will have to pay US market wages instead of reduced foreign worker wages.

The report states that the Trump administration wants "to make it more difficult for well-educated foreign nationals to work in America in science and engineering fields".

## THIS WORD MEANS | ADVERSE POSSESSION

## The Muslims' claim that Ayodhya order rejected

KAUNAIN SHERIFF M  
NEW DELHI, NOVEMBER 11

ONE OF the key legal questions the five-judge Constitution Bench on Saturday answered was related to "adverse possession", raised by the Uttar Pradesh Sunni Central Waqf Board, in its suit filed in 1961.

In simple terms, adverse possession is hostile possession of a property — which has to be continuous, uninterrupted and peaceful. The Bench concluded that the adverse possession claimed by Muslims was not continuous and exclusive in nature, and hence they could not assert the right of adverse possession.

The Bench reached its conclusion after Hindus were able to establish that the outer courtyard was in their possession after the British erected a railing around the Babri Masjid in 1858.

## Why did the Muslim parties claim the right of adverse possession?

Paragraph 11(a) of the pleadings of Sunni

Central Waqf Board specifically asked for setting up a plea of adverse possession. The plea was based on the assumption that even if a Hindu temple had existed at the site on which the Babri Masjid was constructed about 500 years ago, the Muslims had "perfected" their title by adverse possession by "long, exclusive and continuous possession", because of which the title of the Hindu parties, if any, stood extinguished.

This meant that the Muslim parties set up an alternate plea for adverse possession, if it was established by the Hindu parties that the mosque had been built at the site of the Hindu temple.

However, the Hindu parties argued that the disputed property was a juristic person, which cannot be acquired by adverse possession. It was argued that even if the image of the idol is broken, a deity is immortal — and thus the construction of the mosque on the land did not take away from its character as a deity.

## And why did Muslims parties fail to establish their case?

The Bench held that the ingredients of adverse possession must be set up in the pleadings — and proved in evidence.

On evidence, the Bench said that the Muslim parties, "beyond stating" that they have been in long, exclusive and continuous possession beginning from the time when the mosque was built, have not been able to furnish any facts in support of adverse possession; importantly, the Bench pointed out that no records were made available by the Muslim parties with respect to possession for the period between 1528 and 1860.

On what constitutes the ingredients of adverse possession, the Bench relied on observations made by the former Supreme Court judge Justice S Rajendra Babu (in *Karnataka Board of Wakf v Government of India*). The Bench quoted the 2004 judgment: "A person who claims adverse possession should show: (a) on what date he came into possession, (b) what was the nature of his possession, (c) whether the factum of possession was known to the other party, (d) how long his possession has continued, and (e) his possession was open and undisturbed."

Which effectively meant that the was onus on Muslims to prove with facts that the possession was undisturbed. Besides being unable to prove possession between 1528 and 1860, the Muslims also failed to establish that the possession was undisturbed.

The Bench observed: "...It is impossible for the plaintiffs (the Muslim parties) to set up a case of being in peaceful, open and continuous possession of the entire property. Dr Dhawan (counsel for Muslim parties) repeatedly asserted that the Muslims were obstructed in their offering worship at the mosque as a result of the illegalities of the Hindus... (Dhawan) refers to the incidents which took place in 1856-7, 1934 and 1949.

"The events which are associated with each of the above incidents constitute indicators in the ultimate finding that in spite of the existence of the structure of the mosque, possession as asserted by the Muslims cannot be regarded as meeting the threshold required for discharging the burden of a case of adverse possession."

## What SC verdict indicates: Mandal-Kamandal politics has come full circle

RAVISH TIWARI  
NEW DELHI, NOVEMBER 11

WITH THE Supreme Court verdict on the Ayodhya appeals on Saturday, the politics of Mandal and Kamandal as practised so far may have come full circle — and an opening may have been created for their evolution to a new stage.

The forces of Mandal — flagbearers of the politics of social justice and identity — struggled to stay afloat against the rampaging BJP in the Lok Sabha elections of this summer. And the Supreme Court verdict has now put to rest the legal dispute that spanned the politics of Kamandal — or Hindutva — three decades ago.

Both these political forces had in the late 80s and early 90s disrupted the old style politics of the Congress — blows from which the grand old party could not recover. In nine Lok Sabha elections held since then, the Congress has failed to win a majority even once. In contrast, the forces unleashed by Mandal and Kamandal headed the governments formed after six of those nine elections.

While the Mandal demand of caste-based

reservations is older, the BJP was the first to politically weaponise Kamandal — seizing the opportunity presented by the setting up of the Ramjanmabhoomi Nyas in 1986.

While the socialist fragments of the post-Emergency Janata government joined forces with V P Singh in his anti-corruption battle against Prime Minister Rajiv Gandhi, the BJP endorsed the demand for the Ram Temple at its Palampur (Himachal Pradesh) convention months ahead of the 1989 elections.

Once Rajiv was dislodged from power, these forces jostled for the political space the Congress had vacated. While socialist elements in the V P Singh government pushed caste-based reservations, the BJP, which was supporting the government from the outside raised the pitch for the Ram Temple. After V P Singh announced reservation for OBC communities in August 1990, L K Advani's Rath Yatra clashed head-on with Mandal leaders Lalu Prasad and Mulayam Singh Yadav.

As a new era of politics came to be expressed in a new lexicon, and the contradiction between the two narratives sharpened, the issue of Bofors, which had driven Rajiv from power, faded into the back-



L K Advani on his first Rath Yatra from Somnath to Ayodhya in 1990. Express Archive

ground. In the states of the Hindi heartland, Mandal and Kamandal consolidated their gains at the expense of the Congress.

The demolition of the Babri Masjid on its watch came as a crushing blow for the Congress in UP and Bihar. The leaders of so-

cial justice/identity politics — Mulayam, Lalu, Kanshi Ram — benefitted as the Congress's stock fell among the minority community. And the BJP rode the Ram Temple movement to gain robust footholds in (undivided) Madhya Pradesh, Rajasthan, and (undivided) UP. In 139 Lok Sabha seats across UP (including Uttarakhnd) and Bihar (including Jharkhand), the Congress was virtually eliminated from the field.

The Congress sought to recover some ground by bringing fragments of its support base in the Mandal parties into its tent by framing the political battle in terms of secular versus communal. By this strategy, the Congress was able to ensure that the first BJP government in May 1996 lasted only 13 days.

In response, the BJP changed tactics — it toned down its rhetoric on the Ram Temple in order to win allies in power in 1998 and 1999. However, the Congress again managed to use the secular-communal binary to stall the BJP in 2004.

The limits of the electoral utility of Kamandal were exposed in 2009, when its original champion L K Advani led the BJP to one of its worst performances since 1991.

Watching from his vantage in Gujarat, Narendra Modi possibly took the cue to re-define the BJP's Hindutva politics with a heavy dose of muscular nationalism. He had

already experimented with powerful attacks on Gen Pervez Musharraf in the 2007 Assembly elections in Gujarat; the defeat of the Advani-led BJP in the Lok Sabha elections created the space for Kamandal plus nationalism — in effect, Hindutva 2.0.

For the BJP, Saturday's verdict marked the culmination of the resolution made 30 years ago in Palampur in June 1989. Incidentally, Saturday's judgment came on the eve of the thirtieth anniversary of the laying of the foundation of the Ram Temple in Ayodhya by Kameshwar Chopal, a Dalit from Bihar (November 10, 1989).

In a way, the Supreme Court's verdict may be seen as vindication of the BJP's Kamandal politics.

It also raises the question whether the BJP will now aggressively pursue its commitment to bringing a Uniform Civil Code. Its focus on the abrogation of Article 370, the National Register of Citizens, and the Citizenship Amendment Bill indicates it is ready to take its blend of Kamandal and nationalism to a new pitch.

On the other hand, the limitations of the Mandal forces against the new pole of Indian politics, the BJP, have been exposed repeatedly since 2014. Their poor performance in the 2019 Lok Sabha elections could well indicate they have run their course.