



## The Indian EXPRESS

FOUNDED BY

RAMNATH GOENKA

BECAUSE THE TRUTH INVOLVES US ALL

# Not so fast

Many orders passed by courts have directly or indirectly shrunk citizens' right to information



SATYANANDA MISHRA

## No more NRC

Home Minister Shah's ambition of renewing it in Assam, extending it to country, is flawed and divisive

THE UPDATED NATIONAL Register of Citizens, a four-year-long exercise monitored by the Supreme Court, costing Rs 1,600 crore, appears to have been relegated for all practical purposes. Union Home Minister Amit Shah told Parliament on Wednesday that the exercise will be undertaken across the country soon, including — afresh — in Assam. The updated Assam NRC, published on August 31, left 19 lakh people stateless and exposed to the prospect of being lodged in detention camps after exhausting appeals against their exclusion from the Register. The exercise turned the Northeast restive. With reports suggesting that a large part of those excluded are Hindus, the BJP rejected the Register, even after the Supreme Court endorsed it. By all accounts, the NRC in Assam has been a failure: It did not satisfy any section of the society, reopened faultlines of religion, language and ethnicity, and left millions of people on the edge. It is appalling that the government now wants to impose this divisive and tortuous exercise on the rest of the country.

Shah has been infatuated with the idea of the NRC for some time; he has threatened a nation-wide NRC in his election campaigns. Clearly, the BJP top brass seems ignorant of the history of the NRC, which was proposed in 1951 in the specific context of Assam witnessing a major demographic upheaval in the wake of Partition. The 1985 Assam Accord, signed between the Rajiv Gandhi government and the major players of the Assam Movement, gave it a new life. The Supreme Court directed the state government in 2013 to execute it and began monitoring it from December 2015. The point is that the NRC was a demand made by the state's political leadership to address concerns specific to it. It was the product of a political imagination that privileged ethno-linguistic identity over more inclusive ideas of citizenship and rejected the notion that societies are shaped by the movement of people and capital. This resentful politics, centered on the fear of the Outsider, not surprisingly, resulted in violence and gave birth to an armed insurgency. The past few years have seen Assam emerge from this morass of violence and rebuild its economy. But the NRC, and its byproduct, the Citizenship Amendment Bill, have threatened a regression into a past that saw one section of society pitted against the other.

The NRC is a flawed idea and its limitations have been exposed in Assam. The exercise also bared the futility of pursuing a project of establishing identity through legacy in a country that has seen massive migrations, forced and voluntary. Shah and others must abandon their obsession, which, with its communal overtones, can only result in stoking new fears and anxieties.

## PUSH FOR THE BETTER

Disinvestment in five PSUs is welcome and overdue. With tax revenues under pressure, government needs to do more

ON WEDNESDAY, THE Cabinet Committee on Economic Affairs (CCEA) approved the strategic disinvestment of five public sector enterprises, namely, Bharat Petroleum Corporation Ltd (BPCL), Container Corporation of India Ltd, Shipping Corporation of India, Tehri Hydro Power Development Corporation (THDC) and the North Eastern Electric Power Corporation (NEEPCO). The proceeds from these stake sales will help the Centre move closer to achieving its disinvestment target of Rs 1.05 lakh crore for this year. So far this year, the government has been able to garner only Rs 17,364 crore or 16.5 per cent of its budgeted disinvestment target as per data from the Department of Investment and Public Asset Management. Coming at a time when the Centre is facing huge shortfalls in both direct and indirect tax revenues, and its gross tax revenues have grown by a mere 1.5 per cent in the first half (April to September) of the current financial year, the determined push to meet its disinvestment target is welcome.

Of the five companies, the stake sale in BPCL is likely to be the biggest draw. The sale will be of interest not only to domestic firms, but also to major international players as well. According to some estimates, the government could fetch around Rs 63,000 crore from its stake sale in the company, more than half of its total disinvestment target for the year. Add to that proceeds from the stake sale in the Container Corporation and the Shipping Corporation, and the Centre may well end up earning more than Rs 70,000 crore through these three firms alone. But, with only four months to go, it is not clear whether these stake sales can be wrapped up by the end of the financial year. It should also not be another case of public sector firms stepping in to buy these entities in order to bail out the government. As it is, the sale of THDCIL and NEEPCO, the other two entities, to NTPC, is essentially a transfer of assets between various arms of the public sector.

The government would benefit from drawing up a more ambitious, better laid out, medium-term plan for disinvestment, rather than approaching it as merely an arrangement for plugging its revenue gaps. It should draw up a list of potential candidates and release an advance calendar, indicating the period of disinvestment. This would help draw in more buyers. Further, the proceeds from disinvestment should be used only for the creation of new assets, not to meet its revenue expenditure.

## CON AIR

When image matters more than substance, why blame a con man for wanting perks of a pilot without putting in the work?

RAJAN MAHBUBANI DECIDED to dress for the job he wanted. For over a year, the 48-year-old consultant from Kolkata passed through airport security, dressed in a pilot's uniform he had stitched in his hometown, and availed all the perks his sartorial deception offered: He was upgraded frequently to business/first class, "talked shop" with pilots to gain access to the cockpit and generally received preferential treatment. And, Mahubani told the police after he was finally caught and arrested, the uniform helped him impress women on Facebook, TikTok and in person. In addition to a pilot, Mahubani has also pretended to be an army colonel, uniform and all.

But, the justified criminal charge of cheating against him notwithstanding, let's be honest about what lies beneath the pilfering pilot's high-altitude con. The problem was best articulated by Renee Zellweger's character in *Jerry Maguire*: "First-class used to be a better meal, now it's a better life." Mahubani presented an image of himself that was aspirational, and falsified a biography. But at the root of his crime is the desire to be "special", a successful person in uniform, a VIP — not just another middle-aged face standing in queue at the boarding gate.

It is not yet known if Mahubani was inspired by Steven Spielberg's *Catch Me if You Can*. In the film, Leonardo DiCaprio's character impersonates a pilot, like Mahubani, to make money and travel the world. The character struck a sympathetic chord because most ordinary people wish to cheat the system, to be the ones others look up to and to sit in the better lounge at the airport. Mahubani didn't want to fly a plane or serve in the Indian armed forces, he just wanted the perks. In times such as these, he may have been the one who was caught, but he is not a lonely figure, he has company.

ON NOVEMBER 13, a five-judge Constitution Bench of the Supreme Court passed its order in the Subhash Agarwal matter, bringing a closure to cases pending resolution for nearly 10 years. Has Subhash Agarwal got the information he had sought from the Supreme Court? Not yet. Will he get it soon? Not very likely, certainly not the entire information he wanted. The five-judge Supreme Court bench recently disposed of the civil appeals its own registry had filed before it. In the process, the bench, in a dissertation length order, has delved deep into the concepts of fiduciary relationship, public interest, privacy, confidentiality and independence of judiciary and, in conclusion, cast an onerous duty on its Central Public Information Officer to decide on disclosure of the information taking into account the observations of the court.

Everyone knows that a lot of information held by public authorities about the appointment, performance, conduct, complaints and inquiries against public servants, is personal in nature and the CPIO has to refer to the principles laid down in this order to decide if the information should be disclosed or not. In case the information relates to courts or judges, his problem is further compounded for he has also to consider the impact of disclosure on the independence of the judiciary. This calls for great judicial acumen, rarely to be expected from the level of officers who become CPIOs. Most CPIOs would choose to steer clear and refuse disclosure by invoking Section 8(1)(j) of the RTI Act and leave the information seekers to appeal against their orders. In fact, even before this order, information officers have been routinely denying such information on this precise ground.

For decades now, candidates seeking election to legislatures declare their personal details, including their criminal past, if any, through affidavits as per the ruling of the Supreme Court. This invasion into the privacy of candidates has been justified on the ground that voters have a right to know who they are electing since these people would make laws and some of them will hold executive offices. Similar information, however, cannot be sought or obtained about the members of the executive or judiciary under the RTI without first proving that such information would be in the larger public interest or has a relation

with public interest or activity, or would not impinge on the independence of the judges.

The RTI has entered the 15th year of its existence. It met its first major challenge when the central government refused to disclose the file noting. The CIC held that file noting was also information and must be disclosed and the government at the highest level relented. The second challenge came when Subhash Agarwal sought information from the Supreme Court regarding collegium proceedings, personal assets of judges and alleged executive pressure on a high court judge. This information was denied on the ground that it was held by the CJI who was not a public authority and hence outside the RTI. Agarwal approached the CIC which ruled in his favour. The Supreme Court Registry challenged the CIC's order in Delhi High Court which, too, ordered in Agarwal's favour. The registry appealed in the Supreme Court which after 10 long years has finally decided that the CJI is a public authority and comes under the RTI Act.

The third major challenge came when the CIC order bringing political parties under the RTI was summarily disobeyed and it could do nothing. I understand that some citizens had approached the Supreme Court but the court is yet to pass any order. The public authorities have progressively realised the helplessness of the information commissions in enforcing their own orders as the RTI Act has not conferred contempt powers on the commissions. They have also realised that one sure way of blocking the orders of the information commissions is to go to the high courts or the Supreme Court and get a stay; the natural delay in those courts would kill the information.

The relationship of the RTI with the judiciary has been fraught from the beginning. Since the RTI Act conferred powers on the chief justice of the Supreme Court of India and the chief justices of high courts of states for carrying out its provisions, all these courts framed their own rules. While the Supreme Court adopted the RTI-friendly rules of the central government for itself, several high courts framed extremely unfriendly rules, making it almost impossible to get any information. For example, the Allahabad High Court had wanted the citizen to deposit Rs 500 for each piece of information sought as against the Rs 10 fixed by the Supreme Court for seeking any number of them.

against the Rs 10 fixed by the Supreme Court for seeking any number of them. There were many restrictions, some which were not even contemplated in the RTI Act. Over the years, the courts have softened those rules but even now they continue to be restrictive, preventing easy disclosure of information.

The RTI Act makes the information commissions the final appellate authorities in their respective jurisdictions. But that does not stop public authorities, government entities, from going to the high courts and the Supreme Court in writs. Some orders passed by the central information commission did reach the Supreme Court eventually. In most such cases, the interpretation of the exemption provisions by the court reinforced not the right of the citizens to get information from the government but the resolve of the public authorities not to disclose uncomfortable information. In the Girish Deshpande case, the Supreme Court ruled that the relationship between the government and its employees was a personal one and hence no information about a government employee could be disclosed unless the information seeker could prove that it was in public interest. Under this interpretation of Section 8(1)(j) of the RTI Act, even information about disciplinary proceedings against a government employee, irrespective of how serious the allegations against him might be, could not be disclosed by the information officer without putting it to the public interest test. This order has become very popular among information officers and many RTI applications are being rejected by citing it.

For citizens seeking information, there are many such orders passed by the high courts and the Supreme Court which have directly or indirectly shrunk their right and strengthened the hands of the government. The present order is likely to be used by information officers to block disclosure of all such information of a personal nature. One wished that the court had spelt out more clearly those items of personal information, of the executive or the judiciary, which the CPIOs could disclose without adjudication of its benefits for the general public.

The writer is a former chief information commissioner

## BONDS BEYOND POLITICS

India-Sri Lanka ties are too strong to be unsettled by Gotabaya Rajapaksa's election



ALOK BANSAL

THE PRESIDENTIAL ELECTIONS in Sri Lanka have ushered in a new administration led by Gotabaya Rajapaksa. The election of a new president — a former lieutenant colonel and the younger brother of former Sri Lankan president Mahinda Rajapaksa — has created lots of ripples in the country's polity, and lead to some apprehensions in India. The Rajapaksa family is perceived as being close to China and, of late, has been seen as harbouring misgivings about India.

An analysis of the voting pattern shows that like the 2015 elections, Tamils and Muslims voted against Gotabaya. All electoral districts in the country's north and east as well as Nuwara Eliya in Central Province, where most of the plantation Tamils live, voted for Sajith Premadasa, Gotabaya's rival. In 2015, the educated Sinhala youth in Western Province, which includes Colombo and a large Catholic population, voted against an autocratic Mahinda. However, the bombings on Easter this year changed their voting behaviour — most of them voted for Gotabaya, who played a big role in defeating the Liberation Tigers of Tamil Eelam (LTTE).

The ethnic and religious minorities are alarmed by the return of the Rajapaksas at the helm of affairs. Gotabaya has aggravated their sense of insecurity by deciding to have his swearing in ceremony in Anuradhapura, the ancient capital of Sri Lanka, in front of a Buddhist stupa that was built by a Sinhalese

king after defeating a Tamil monarch. At the ceremony, Gotabaya ascribed his success to the blessings of Buddhist monks and said that the Sinhala majority vote was behind his victory. He did ask the Tamils and Muslims to join him in rebuilding Sri Lanka. But winning their hearts and minds will require much more. Devolution of powers to the provincial councils as promised in the 13th amendment has not yet taken place. India has lot of stake in racial harmony in Sri Lanka and has contributed immensely in the past — both in terms of resources and human lives — to ensure Sri Lanka's integrity and racial harmony.

However, the perception that Gotabaya will be against India because he was trained in Pakistan is deeply flawed. Beijing was quick to recognise Mahinda as PM when he was appointed to the post after a constitutional coup by President Maithripala Sirisena in October 2018, while India insisted that constitutional norms be followed in Sri Lanka. In the later years of Mahinda's presidency, China invested heavily in Sri Lanka, which included major projects like the opening of the Hambantota port and the expansion of the Colombo port. Many Chinese projects were cancelled or were under review under the last government; so, a perception has gained ground that the Rajapaksa family is pro-China. However, this view is wrong. As president, Mahinda had said that China is a good friend but India is a relative. In the South Asian context, friends may

come and go, but relatives are for keeps.

The Rajapaksas have had good relations with India and have visited the country many times, including for pilgrimage. Gotabaya also knows of India's immense contribution to Sri Lanka during the civil war, and realises that neither China nor Pakistan can be a substitute for India. India is Sri Lanka's largest trading partner and also one of the largest investors in the country. The largest number of tourists visiting Sri Lanka are from India. Sri Lankans, of all economic strata, across racial and religious divides, come to India for healthcare, education and pilgrimage. So, it is unlikely that any sensible leader would like to snap such relations.

During the last few years, various constitutional amendments have weakened the Sri Lankan president's powers considerably and it would be interesting to watch the relation between the president and the parliament, which cannot be dissolved before February 2020 — unless it votes itself to do so. Despite having a majority in parliament, Ranil Wickremesinghe has resigned as the prime minister and Gotabaya has appointed his brother as the PM. India will do well to wait and watch while diplomatically engaging with the new president.

The writer is director, India Foundation and adjunct professor at New Delhi Institute of Management. Views expressed are personal

## NOVEMBER 22, 1979, FORTY YEARS AGO



**KAABA UNDER SIEGE**  
SAUDI TROOPS WERE in a position to make an all-out assault against religious fanatics holding out in Mecca's Grand Mosque but held back for fear of harming hostages and damaging the sacred edifice, the interior ministry of the country said. The statement, attributed to the interior minister, Prince Naif, said that security forces were in complete control of the situation in the mosque. The ministry statement, broadcast by Riyadh Radio, made no mention of reports from Tunis quoting Saudi sources there as saying troops had assaulted the gunmen and recaptured most of Islam's holiest shrine.

**BAHUGUNA DEFECTS**  
AS EXPECTED, H N BAHUGUNA has joined Indira Gandhi whom he had described in a letter to Charan Singh as "the most discredited person in the country." Apparently, he had his compulsions. The day he left the Charan Singh Cabinet, he said he could not go back to Mrs Gandhi because "nothing has changed in that party and the same people who brought about the Emergency and indulged in excesses rule there". It is well-known that he tried all avenues to extricate himself from the situation he had created. He met Jagjivan Ram at his residence for nearly two hours on the night of 1d. He telephoned Chandra Shekhar a fortnight ago.

**IRAN HOSTAGE CRISIS**  
THE UNITED STATES reserved the right to use force if Iran tries the 49 Americans in the US embassy in Teheran for espionage as Ayatollah Khomeini has threatened to do. Soon after Khomeini's statement on television in Teheran that the Americans would be tried for espionage if Shah Pehalvi was not returned, the White House issued a statement saying that such a trial would be a flagrant violation of international law. The US, the statement added, was seeking a peaceful solution through the UN and other channels. This was far preferable to the "other remedies available", the statement added.

WHAT THE OTHERS SAY

"Western public opinion is telling a monstrous lie to the world against China. China is leading its people toward modernisation but is portrayed as a dark country frequently violating human rights." —GLOBAL TIMES, CHINA

# In our own words

Mother tongue is a tool of expression, the carrier of culture. It must be the medium of instruction, at least at the primary level, to preserve India's cultural diversity and heritage



M VENKAIAH NAIDU

WE ARE PROUD of the fact that India is a linguistic treasure-trove, a nation widely acknowledged for its extraordinary linguistic and cultural diversity. The plurality and co-existence of multiple languages add colour and vitality to our country and make it unique.

However, I am deeply disturbed that we are not doing enough to preserve our rich native languages. Governments need to be doubly careful while adopting policies regarding the medium of instruction, particularly at the primary and secondary school level. The mother tongue lays a strong foundation for the expression of creativity. Every effort must be made to nurture creativity at the formative stage.

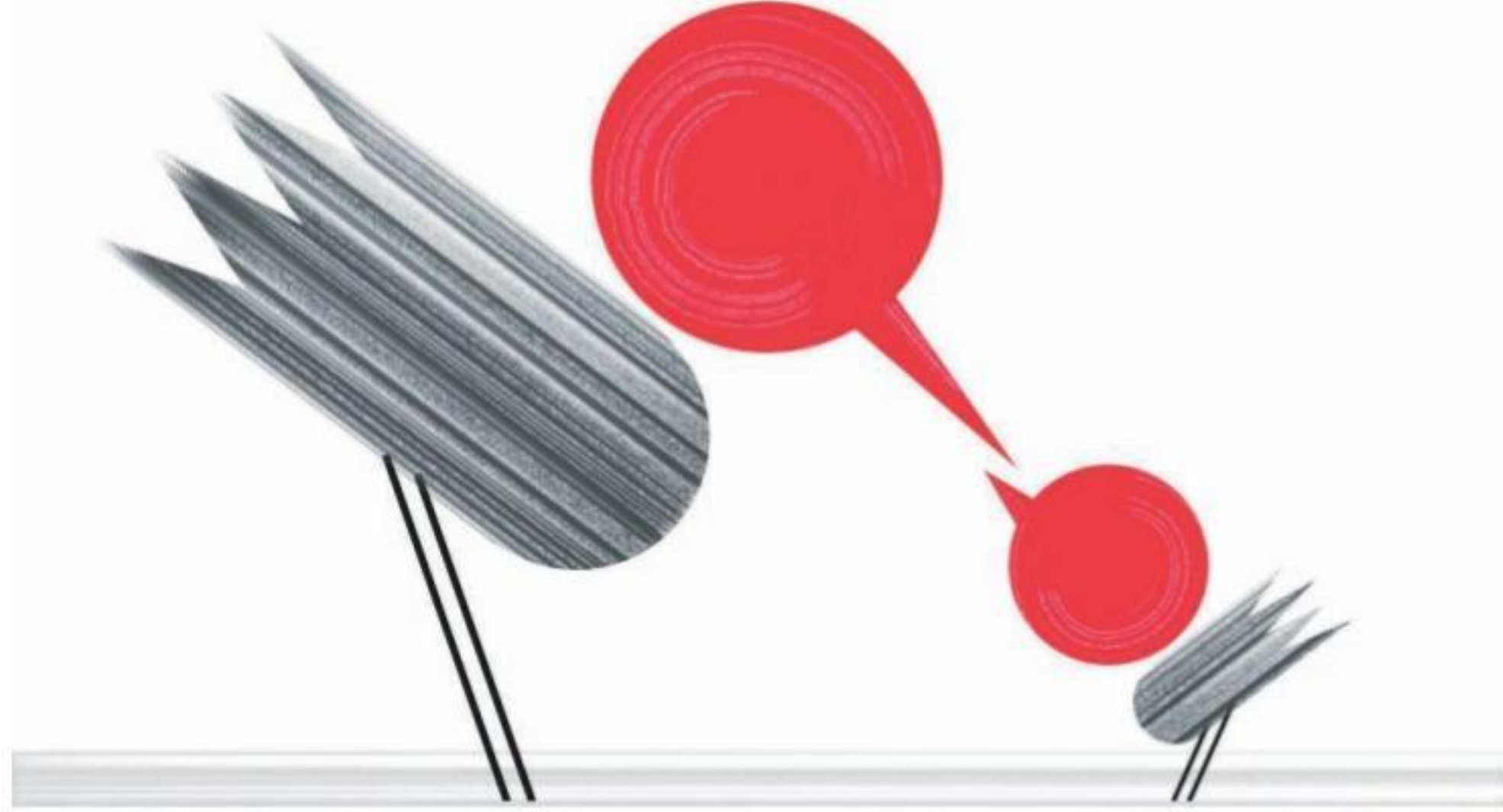
Language is a tool for intellectual and emotional expression. It is a vehicle of inter-generational transmission of culture, scientific knowledge and a worldview. It is the vital, unseen thread that links the past with the present. It evolves with human evolution and is nourished by constant use. In short, our languages permeate every facet of our day-to-day life and form the very basis of our civilisation. In fact, they are the lifeblood of our identity, both individual and collective. They play a significant role in creating and strengthening bonds among people. More than 19,500 languages and dialects are spoken in India as mother tongues, according to the Language Census. There are 121 languages which are spoken by 10,000 or more people in the country.

Languages are never static. They evolve and adapt to the socio-economic milieu. They grow, shrink, transform, merge and, sadly, die. The great Indian poet, Acharya Dandi, had said that if the light of language does not exist, we will be groping in a dark world. It is extremely disheartening that 196 languages in India are classified as endangered. We may have to ensure that this number doesn't increase. We have to protect and preserve our languages and the best and only way is to constantly use them.

I have always emphasised the importance of protecting and conserving our linguistic heritage. We cannot afford to lose the treasure we have inherited, the repository of our collective knowledge and wisdom which we have amassed over the course of the long journey of our vibrant civilisation. When a language declines, it takes with it an entire knowledge system and a unique perspective of viewing the universe. The traditional livelihood patterns disappear along with our special skills, arts, crafts, cuisine and trade.

Language preservation and development needs a multi-pronged approach. We must start by making the mother tongue the medium of instruction in our schools, and certainly at the primary level. A number of studies conducted all over the world by different expert groups have established that teaching the mother tongue at the initial stages of education gives an impetus to the growth of mind and thought and makes children more creative and logical.

Audrey Azoulay, director-general of UNESCO, in her message on the occasion of International Mother Language Day (February 21) 2019 said: "For UNESCO, every mother tongue deserves to be known, recognised and given greater prominence in all spheres of



CR Sasikumar

public life. This is not always the case. Mother tongues do not necessarily have national-language status, official-language status, or status as the language of instruction. The situation can lead to the devaluation of a mother tongue and to its ultimate disappearance in the long term." In my view, this is a timely, important reminder.

There is a misconception that only English education offers opportunities to grow in the modern world. It's not true. There are only a handful of English-speaking countries like Australia, Britain, Canada, the US etc. Countries like China, Germany, France, Japan, South Korea, etc did very well without English education. Knowing English is useful, like knowing other international languages. This can't be extended to make a case for supplanting the mother tongue with English, as some are advocating. It can be learnt easily at an appropriate stage, after a strong foundation is laid in the mother tongue.

We must take concrete steps to not only have the mother tongue as the medium of instruction at the primary level, but also take all steps to make it the language of administration, banking and judicial proceedings. For me, this is at the heart of an effective democracy. We have to remove the existing linguistic barriers to realise the goal of inclusive governance. Wherever there is a government-public interface, it should be in the language people understand.

I am not advocating that we should not teach our children multiple languages, which are required to widen the horizon of their understanding of both literature and science. In fact, this is essential for India to enrich its vast human resources and become a leader in the knowledge economy of today and as it evolves in the years to come.

In 1999, UNESCO adopted a resolution on multilingual education and suggested the use of at least three languages in education: The mother language(s), a regional or national language and an international language. What is important to note, however, is the crucial role of the mother language, which, as UNESCO notes, "is a source of knowledge and innovation" and that the "command of a mother tongue facilitates general learning and learning of other languages". It is heartening to note that the new draft National Education Policy puts forth a number of suggestions for supporting education in home languages and mother tongues, tribal as well as sign languages.

Incidentally, the United Nations has proclaimed 2019 as the International Year of

Indigenous Languages to preserve, revitalise and promote indigenous languages. We, in India, have a number of tribal languages, many of which are headed towards extinction.

I hope that more and more people will start using their native languages at home, in the community, in meetings and in administration. More people should write poetry, stories, novels and dramas in Indian languages. We must accord a sense of dignity and pride to those who speak, write and communicate in these languages. We must encourage Indian language publications, journals and children's books. Dialects and folk literature must be given adequate focus. Language should become a catalyst for inclusive development. Language promotion should be an integral part of good governance. Swami Vivekananda once said that language is the chief means and index of a nation's progress.

Our languages must serve as a means for the empowerment of the masses. In the Rajya Sabha, a provision has been made for its members to express themselves in any of the 22 scheduled languages. The Supreme Court has recently decided to make available its judgments in six Indian languages, to start with. This is a positive step in the direction of removing language barriers and ensuring equal access to justice.

The finance ministry has decided to conduct the examinations for employment in Regional Rural Banks in 13 regional languages, in addition to English and Hindi. The Railways and Postal departments started conducting their exams in the states' official languages. Many bold decisions must be made to protect and nurture our languages.

India has the largest youth population in the world, with 65 per cent of its population being below 35 years of age. We must incentivise this energetic generation to keep alive their mother tongues and dialects. We must teach our children to love languages and equip them to protect and nourish the beautiful legacy of languages that we have received from our ancestors. To not do this urgently and effectively will result in serious consequences for the preservation of our unique cultural identity. We cannot afford to regret this as yet another missed opportunity.

Let's nurture the mother tongue. Let creativity bloom in full flourish. The mother tongue is the soul of expression.

The writer is Vice President of India

# Ironies and barricades

Between students' protests in two universities, JNU and BHU, we see the brutal distance that separates us as a nation



SAIKAT MAJUMDAR

TWO NEWS ITEMS jostled against each other on the front page of Tuesday's (November 19) *Indian Express*.

One, the JNU protests: "A visually challenged student said he was trampled on, an ex-student received five stitches on his head, a teacher said he was kicked and hit with lathis despite identifying himself."

Two, at Banaras Hindu University, the protests over the appointment of Firoze Khan as an assistant professor of Sanskrit. "On Monday, a 'hawan kund' was set up and around 20 SVDV students were sitting on a dharna outside the Vice-Chancellor's residence protesting his appointment. The protests have been on since Khan's appointment, for the only reason that he's a Muslim."

At this moment, the two faces of student protest couldn't be farther apart from each other. No denying that they are vastly different in scale and intensity, to say nothing of the fact that any activity in JNU is always on-camera nationwide in a way no other university in the country is.

But the fact remains that in both instances students are protesting measures taken by the vice chancellor and the university administration. One against fee hikes that will drive students from weaker sections of society away from the university. The other against the appointment of a qualified Muslim academic to teach Sanskrit.

So much for a "singular" politics of student movements. For those whom student activism conjures up mist in the eyes, the image of Berkeley in the Sixties, Paris, 1968, or, for that matter, Calcutta in the 1970s, welcome to the brave new world, India, 2019. As I write, BHU student groups have come out in support of Firoze Khan's appointment, and #StandWithFiroze is trending on Twitter, but so is #SupportBHUStudents, which opposes this appointment.

Differences indicate a robust democracy. Are we to conclude, then, that in its staggering diversity, student politics in India is in rude good health?

Who knows? But diversity is one thing, and hostile polarisation another. The ironic juxtaposition of headline news from JNU and BHU reveals, more than anything else, the brutal distances that severe and separate us today as a nation. To say nothing of the ever-widening gulf between the nation and the university.



While teaching at Stanford, I once served on a Search Committee for a Confucius Chair in Classical Chinese Poetry. While the search was on, I heard a senior Chinese scholar, originally from the mainland, say that the Chinese government would like to see a white person in this position over someone

who is Chinese or even of Chinese origin. Struck by that claim, I had asked why.

"Because it looks good on China when white people do their culture," he had said. "It sends the message that we're so big that it's not only Chinese people who teach and research our culture. The whole world does it."

Especially white people. I still have childhood memories of an India where the Gorakhi Sadans and the American Centres fought a relentless culture war against each other. It was a bipolar world, and since war between nuclear-armed nations was a Beckettian Endgame, the whole vigour of the un-fought battle exploded in the field of culture (and outer space). It's a phenomenon widely and globally known, with funding from the CIA coming to prestigious periodicals of art, literature and culture, including the *Partisan Review*. And then the Berlin Wall fell in 1989 and everything changed.

It is a lesson at least as old as colonialism. If you want to rule, make sure your culture does too. Domination in the economic or military base would never last without domination in the cultural superstructure. Marx would know. Soft power following hard power. Shashi Tharoor knows it too.

A white American teaching Chinese in California. An Indian Muslim man teaching Sanskrit in Benaras. Perhaps the scenes don't get along with each other well.

Unlike gravity, power likes to climb up. It fulfills China's mission to see its culture spread to the world.

In the Western world, meanwhile, the hesitation comes entirely from the other direction.

There is reluctance on part of excellent and well-meaning white academics to enter into the domain of African American scholarship. What do you know about this people? What can you say? Can you write black as white, woman as man, queer as straight?

Dominant fields, in the reverse, have willed to welcome minority exponents, while failing to flush out ancient prejudices. "You're black," they've said. "What can you say about Shakespeare? Shouldn't you rather talk about rap?"

In the end, progressive will has won. As Jonathan Gil Harris has shown us here in India, Shakespeare studies is a richer field for having Bollywood films in it.

Firoze Khan's appointment to the Sanskrit Department at BHU can be a dream moment of Indian pluralism. For the language and culture of Sanskrit.

"All my life," he says, "I learnt Sanskrit and I was never made to realise I am a Muslim, but now when I'm trying to teach, suddenly it has become the only subject."

Be taught. But don't try to teach. Be indoctrinated. But to what doctrine will you take us if you dare to teach? Who dare trust you?

Ironically, it was also a dream opportunity for the nationalist champions of Sanskritised India. *Chinese ishtyle*.

Both opportunities are being cast away. Meanwhile, JNU burns.

Majumdar, professor of English & Creative Writing at Ashoka University, is the author, most recently, of *The Scent of God*

# When the ball turns pink

Day and night Tests could become a different game



SANDIP G

IF THE PINK ball to be used for the first time in a Test in India could think, it would have blushed at the attention it has been receiving over the last fortnight. Seldom has the colour of a cricket ball sparked so much curiosity. A bright pink balloon will wander over the Eden Gardens in Kolkata for the entire duration of the Test, the iconic Shahid Minar, will be lit up in pink, a ferry lit with blinking pink lights will ply from Howrah Bridge to Vidyasagar Setu in the evenings, the officials will wear pink blazers, and a bunch of art students have been painting pink-ball themed murals on the walls of the stadium.

Much of this garnishing appears soul-less — like the ornate setting in a Karan Johar movie than the minimalist backdrop of a Satyajit Ray classic. In some ways, this metaphor from cinema is apt for cricket. Arthouse movies, like Test cricket, have niche audiences, are commercially unviable and are supposedly dying. The more mainstream limited-over formats are raking in the audience, sponsors and money at a time when popularity and success is couched in an economic logic that reduces appreciation to numbers. Besides, there's also the morbid thought about Test cricket's impending death. The vacant seats that greet five-day

cricket outside the big-three countries — India, Australia and England — only aggravate the phobia. Test cricket, no doubt, is a hard-sell and needs innovation to survive.

In this context, day-night cricket, some feel, is the magic bullet that will drive hordes into the stadiums. Those who have to work for a living, and schoolchildren, will now be able to switch on their TV sets and see their national team live, outside weekends. They can wander into the stadium. Prime-time space on television is another incentive. It could blur class-borders of the cricket-watching public — as Test cricket has hitherto been content with an affluent middle-class audience largely made up of people who can take time off work or are retired. The pink-ball, thus, could paint a rosy picture, both literally and metaphorically. However, there is a chance that the game itself could be overwhelmed by another format — pink-ball cricket. By shifting the scheduled hours of play and the colour and texture of ball, it seems a new game has been discovered — a similar, yet dissimilar game.

Day-and-night cricket deserves to be encouraged. However, there is a chance that the game itself could be overwhelmed by another format — pink-ball cricket. By shifting the scheduled hours of play and the colour and texture of ball, it seems a new game has been discovered — a similar, yet dissimilar game.

For the change is more than cosmetic, it's like listening to acoustic and electric guitars — there is nothing subtle in the differences between red-ball Test cricket and pink-ball Test cricket. Everything from the pitch and pre-match talks to strategies and permutations could be starkly different. As the pink-ball tends to scuff up prematurely, the curator ought to leave more grass, which the seamers relish. Frequent change of balls and a thicker grass-covering would compromise reverse swing and, thus, leave one of India's strengths in the Subcontinent out of the equation. Limited exposure to sunshine means the pitch will not crack up as rapidly, as it does in the Subcontinent, neutralising another of India's strengths. Even in the Subcontinent, teams would be encouraged to pack themselves with seamers and wrist-spinners.

The thrills and challenges, too, would be different. For instance, rather than the first hour of a day in the conventional format, it would be the twilight hour the batsman would dread the most. Consequently, the quality of a player would be judged on how he negotiates that trickiest phase. It's during twilight that the pink ball begins showing its true nature when the unusual light effect of the floodlights and twilight begin to play

tricks with a batsman's vision. The match might not even last till the fifth day — half of the day-and-night Tests have ended in four or fewer days. This takes away the visceral joy of the ball detonating off cracks in the pitch or nimble-footed batsmen negating such tricks with dexterous hands and ice-cool temperament. The new format even requires adjusting the body-clock for both the players and the audience.

The discrepancies are so blatant that in due course, rather than popularising Test cricket, it could morph pink ball cricket into a different form of the game altogether. And cricket clearly doesn't have space for another format — it could clutter and trivialise the game, as what has happened to cue sports. Eventually, the novelty of the format could wear off, fatigue will set in and Test cricket will be riddled with the same old existential woes. For, many of the problems of the traditional format faces — both real and imagined — can't be changed by moving the hours or changing the colour of the ball.

Cricket needs its arthouse audience as much as it requires its mainstream formats. To blur the lines would be counterproductive.

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## LETTERS TO THE EDITOR

### TRUST DEFICIT

THIS REFERS TO the editorial, 'Bully on campus' (IE, November 21). There is no love lost between the BJP government and JNU. The former has always eyed JNU students with suspicion. While it's wrong on the part of the students to intensify their stir against the university administration since there has been a partial roll back of fee hike, the administration is also guilty of not taking any steps to defuse the situation. The vitiated atmosphere is affecting the university's prime function, academics.

Vijai Pant, Hempur

### JNU WRONGED

THIS REFERS TO the article, 'Why we must listen to JNU' (IE, November 21). What we are seeing today at JNU is the use of muscle power against a soft target — students. Many of JNU's alumni have contributed to society from various fields. Most of them are from humble backgrounds. So, there is good reason to treat JNU as a university with a difference.

RD Singh, Ambala

### TIME FOR HARMONY

THIS REFERS TO the article, 'Ball is in the majority's court' (IE, November 21). After having got the Ayodhya verdict in their favour, even though the court declaring Babri Mosque demolition as illegal, the least that Hindus can do is to

### 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.

give up their demands on Mathura and Kashi mosques. And they should allow the construction of a masjid close to the Ram Janmabhoomi.

Anoop Kumar Srivastava, Delhi

### LEADER OF FORCES

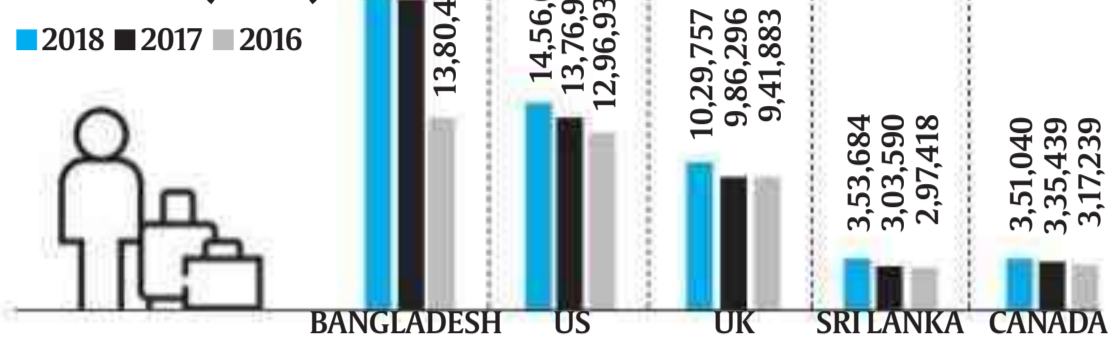
THIS REFERS TO the article, 'A cut above,' (IE, November 21). The proposed Chief of Defence Staff (CDS) must be placed above the three service chiefs. To have a CDS as a coequal to the service chiefs would mean the military decision-making process would end up becoming a tedious consensus-building exercise, where individual service biases might surface.

Sudip Kumar Dey, Kolkata

**TELLING NUMBERS**

**Countries that dominated tourist arrivals in India in last 3 years**

**TOP 5 FOREIGN TOURIST ARRIVALS (FTAs)**



BANGLADESH, THE United States, and the United Kingdom were the top three countries from where foreign tourists arrived in India in 2018, statistics provided by the Ministry of Tourism to Parliament show. The Ministry's data also exhibit a consistent increase in overall foreign tourist arrivals as well as foreign exchange earnings over the years 2016, 2017, and 2018.

Among individual states, Tamil Nadu saw the most visits by foreign tourists in 2018 — over 60 lakh in that year. Maharashtra and Uttar Pradesh followed, with over 50 lakh and 37 lakh visits respectively.

In 2017, arrivals from Bangladesh increased significantly to 21,56,557 from 12,80,409 in the previous year. In 2018, the number further went up to 22,56,675. The trend from Pakistan showed a sharp contrast, with numbers falling from 1,04,720 in 2016 to 44,266 in 2017, and further dropping to 41,659 in 2018.

YSRCP MP Vanga Geetha Viswanath had asked for the information in an unstarred question in Lok Sabha on Monday.

**Overall Foreign Tourist Arrivals and Estimated Foreign Exchange Earnings through tourism**

Year	FTAs (Million)	FEE (US\$ billion)
2016	8.80	22.923
2017	10.04	27.310
2018	10.56	28.586

**HIGHEST FOREIGN TOURIST VISITS (FTVs) IN STATES IN 2018**

State	FTVs 2018 (R)
1 Tamil Nadu	60,74,345
2 Maharashtra*	50,78,514
3 Uttar Pradesh	37,80,752
4 Delhi*	27,40,502
5 Rajasthan	17,54,348

\*2017 figures repeated for 2018, R: Revised In chart for countrywise arrivals (top) 2018 figures are for top 5 countries; 2017, 2016 are corresponding figures for these countries

Source: Parliament Question

**TIP FOR READING LIST**

**HIDING IN PLAIN SIGHT, A BURMA STORY**

THANT MYINT-U has titled his new book *The Hidden History of Burma: Race, Capitalism, and the Crisis of Democracy in the 21st Century*, even though he gently suggests that the country's past wasn't so much obscured as it was hiding in plain sight. For decades, especially after a ruthless crackdown on pro-democracy protesters in 1988, Burma had drawn international ire for the brutal rule of its military junta. Against the depredations of the dictatorship stood the charismatic Aung San Suu Kyi: a tireless civilian advocate for democracy who spoke consistently of hope, enduring years of detention and house arrest with a serene smile.

Her public image weighed heavily in the international community's imagination, which was not very familiar with the longer history of Burma. That history proved to be stubborn and consequential — its effects only aggravated by how much its convolutions were simplified or ignored.

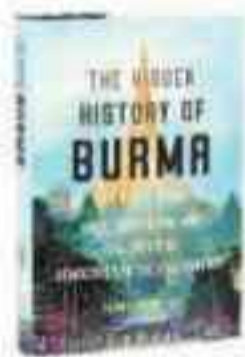
"In the early 2010s", Thant Myint-U

writes, "Burma was the toast of the world." The generals seemed to be ceding power; the country seemed to be ending its long isolation, tourism seemed to be on the rise; a number of rebel groups signed ceasefires, and in 2015 the National League for Democracy, led by Aung San Suu Kyi, won enough seats in the country's first free elections in a generation to form a government.

By 2018, that hopefulness had all but vanished. The year before, the Burmese military had unleashed a scorched-earth campaign against the Rohingya Muslim minority, with more than 700,000 refugees fleeing across the border to Bangladesh. As Burma's *de facto* leader, Aung San Suu Kyi flatly denied reports of army-perpetrated atrocities.

What Thant Myint-U argues is that the conditions for the current situation were already in place — it was less a case of a flipped switch than a lit fuse.

THE NEW YORK TIMES



**SIMPLY PUT QUESTION & ANSWER**

**Labour Code Bill decoded**

What are the changes in The Industrial Relations Code Bill, 2019, approved by the Union Cabinet this week? Why has industry welcomed it, and what are the issues that its critics have flagged?

AANCHAL MAGAZINE  
 NEW DELHI, NOVEMBER 21

THE UNION Cabinet on Wednesday approved The Industrial Relations Code Bill, 2019, which proposes to amalgamate The Trade Unions Act, 1926, The Industrial Employment (Standing Orders) Act, 1946, and The Industrial Disputes Act, 1947.

Last year, the government had floated a draft Note for the Cabinet along with The Labour Code on Industrial Relations Bill, for inter-ministerial consultations. This is the third Code in the government's proposed codification of central labour laws into four Codes.

Parliament has already approved The Code on Wages, 2019. The Occupational Safety, Health and Working Conditions Code was introduced in Lok Sabha in July, and is now with the Standing Committee on Labour, which has invited public comments on it. The draft of the Social Security Code has been circulated for public comments.

**Importance of the Bill**

Apart from offering some degree of flexibility on government permissions for retrenchment, the most important aspect of the Bill is that it presents the legal framework for ushering in the concept of 'fixed-term employment' through contract workers on a pan-India basis.

Currently, companies hire contract workers through contractors. With the introduction of fixed-term employment, they will be able to hire workers directly under a fixed-term contract, with the flexibility to tweak the length of the contract based on the seasonality of industry. These workers will be treated on a par with regular workers during the tenure of the contract.

The move to include it in a central law will help in wider reach, and states are expected to follow similar applicability. The government had tried a move last year to apply fixed-term employment across "central sphere establishments" (which are establish-



The Bill represents the legal framework for ushering in the concept of 'fixed-term employment' through contract workers on a pan-India basis. Express Archive

ments under the authority of the central government, Railways, mines, oilfields, major ports, or any other central public sector undertaking) in all sectors, but it failed to elicit the desired results as states did not notify similar provisions for it. The Bill now ensures a pan-India impact of this move.

**Changes in the Bill**

The threshold required for government permission for retrenchment has been kept unchanged at 100 employees, as against the proposal for 300 employees in an earlier draft of the Bill, which was opposed by trade unions.

Instead, the government has now provided flexibility for changing the threshold through notification. The rigidity of labour laws about laying off labour has often been cited by industry as the main reason limiting scalability and employment generation. At present, any company having 100 workers or more has to seek government approval for retrenchment.

The provision of fixed-term employment, which helps in the flow of social security benefits to all workers along with making it easier for companies to hire and fire, in The

Industrial Relations Code Bill.

Last year, the government had included the category of 'Fixed Term Employment Workman' for all sectors in the Industrial Employment (Standing Orders) Act, 1946. This was only applicable to 'central sphere' establishments, and the states did not follow suit. Finance Minister Nirmala Sitharaman said Wednesday that workers under a fixed-term contract would be taken up depending upon the seasonality of the industry, but would be treated on a par with regular workers.

**Opposition to the Bill**

While industry has welcomed the changes, others have said that the unclear provision regarding retrenchment would lead to uncertainty, and discretionary behaviour during implementation by the central or state government.

K R Shyam Sundar, labour economist and professor of Human Resources Management at XLRI, said this change tries to please both parties — the employers and the trade unions. "The moment you provide flexibility for the applicability, then it leaves the matter to

the discretion to the appropriate government (states or Centre). Then the clause can be misused. Any discretion in law leads to uncertainty, lack of clarity, discriminatory implementation, and provides scope for unnecessary usage. The government should be clear whether to increase the threshold or retain the threshold and face the consequences. This is a kind of appeasement to both sides, which will not actually provide relief to either of them," Prof Sundar said.

Also, fixed term employment needs to be introduced with adequate safeguards, otherwise it runs the risk of encouraging conversion of permanent employment into fixed-term employment, he said.

**Welcoming the Bill**

Industry has welcomed the Bill since it has met their demand of providing flexibility in retrenchment. MS Unnikrishnan, Chairman, CII National Committee on Industrial Relations, and MD & CEO, Thermax Ltd, said that for more employment in the organised sector, industry would demand flexibility.

"The original laws were made at a time when one would join and retire from the same company. Earlier, there were so many interpretations, and simplifying so many laws into four Codes is a good thing. There is no intention of industry to exploit labour, but one cannot run the company to create employment — it has to be commercially viable.

"Today we are competing with global players so there should be a level playing field. We want to protect employment as much as possible, when there is commercial viability. There is no unending amount of money available with anyone of us to continue to employ labour when business is not viable," Unnikrishnan said.

Fixed-term employment will help in keeping salaries and facilities to workers such as PF, gratuity, and medical benefits, the same as those for permanent labour, he said, adding that inclusion in the central law will help in applicability of fixed-term employment uniformly across the country.

**THIS WORD MEANS: QUID PRO QUO**

**The Latin phrase driving the Trump inquiry**

YASHEE  
 NEW DELHI, NOVEMBER 21

AS THE dramatic proceedings to impeach President Donald Trump unfold in the United States Congress, one expression that has been heard over and over again is "quid pro quo" — something that the President and his supporters have insisted cannot be established in his dealings with Ukraine's President Volodymyr Zelensky, thus absolving him of blame.

So what is *quid pro quo*, the Latin expression that describes the issue at the heart of the Trump impeachment inquiry?

**The Latin expression**

*Quid pro quo*, according to the Merriam-Webster dictionary, means "something given or received for something else".

In the 1500s in England, it was often used in the sense of apothecaries substituting one medicine for the other, by accident or design. It has also been part of trade lexicon as a term for the barter system.

*Quid pro quo*, like many Latin phrases, made its way into legal terminology, where it is now used to imply a mutually beneficial deal between two parties. In political contexts, like the one involving Trump currently,



In US Congress, transcript of the call between Trump and Zelensky. AP

it is often seen as an essential requirement to suggest or establish corruption, wrongdoing, or impropriety.

The expression is frequently used in India as well. Most recently, Rahul Gandhi, then the president of the Congress, repeatedly alleged ahead of the Lok Sabha elections that rules were bent to get the offset contract of the Rafale jet deal for Anil Ambani — the BJP's defence then was that the government had no say in the choice of offset partner, and no *quid pro quo* could thus be made out.

**Impeachment inquiry**

The impeachment inquiry against Donald Trump has been initiated on the al-

legation that he made a White House visit for President Zelensky, and/or nearly \$400 million in US military aid to the country, conditional upon Kyiv opening a corruption inquiry against former Vice President Joe Biden and his son Hunter, who at one time was on the board of directors of Burisma Holdings, a Ukrainian natural gas company.

Under the scanner specifically is a telephone conversation between Trump and Zelensky on July 25, during which Trump asked the then newly elected Ukrainian President "for a favour". The inquiry is focused on establishing the propriety or otherwise of Trump's request, and how the President stood to gain from it.

Biden is one of the likely Democratic candidates against Trump in the presidential elections of 2020. Trump is alleged to have tried to enlist a foreign country, Ukraine, on his side in a personal political battle with Biden in order to discredit him.

**President's defence**

On Wednesday, after the US ambassador to the European Union Gordon Sondland testified, Trump posted on Twitter: "...Ambassador Sondland asks U.S. President (me): 'What do you want from Ukraine? I keep hearing all these different ideas & theories. What do you want? It was a very

abrupt conversation. He was not in a good mood. He (the President) just said, 'I WANT NOTHING! I WANT NOTHING! I WANT NO QUID PRO QUO! TELL PRESIDENT ZELENSKY TO DO THE RIGHT THING!' Later, Ambassador Sondland said that I told him, 'Good, go tell the truth!'..."

The President's camp has resolutely stuck to this one phrase in its defence, that there was no *quid pro quo* — and that he did not want anything in return for Ukraine "doing the right thing", i.e. order a corruption investigation. While taking the help of foreign powers in an election is illegal in the US, asking another country to launch a corruption probe is not wrong *per se* — unless it can be established that Trump stood to gain from it.

On Wednesday, the President spoke to reporters outside the White House holding handwritten notes in large block letters that read "I want no *quid pro quo*". According to Trump — whose version Sondland appeared to confirm — he had used the same words in a phone conversation he had with the ambassador on September 9. As evidence for the "no *quid pro quo*", the Trump camp has said that the US did release the military aid to Ukraine, although only on September 11, after the House of Representatives had already started taking interest in the President's July 25 phone conversation with Zelensky.

**Why the govt has stripped a Telangana MLA of his Indian citizenship**

DEEPTIMAN TIWARY & SREENIVAS JANYALA  
 NEW DELHI, HYDERABAD, NOVEMBER 21

THE MINISTRY of Home Affairs (MHA) on Wednesday cancelled the citizenship of TRS MLA from Vemulawada in north Telangana Chennamaneni Ramesh. A son of freedom fighter parents, Ramesh has been a citizen of Germany in the past, and had acquired Indian citizenship in 2009. Since then, he has been politically active and won all elections he has contested. He started his political career with the TDP in 2009, but moved to the TRS in 2010 at the height of Telangana agitation.

**Why Ministry acted**

Ramesh, who had been living in Germany since 1993, applied for Indian citizenship on March 31, 2008 and was granted the same on February 4, 2009. On June 15, 2009, Congress leader from Karimnagar Adi Srinivas filed a revision ap-

plication, raising objection to the grant of citizenship to Ramesh. Srinivas pointed out that Ramesh had retained his German citizenship, and had travelled to Germany in the year preceding the date of his application for Indian citizenship, which was in violation of The Citizenship Act, 1955.

Based on this, the MHA formed a committee, which investigated the matter for nine years before submitting its report in March 2017 that Ramesh had indeed, obtained citizenship fraudulently. The MHA cancelled Ramesh's citizenship in August that year.

Ramesh filed a review plea, which was rejected that December, following which the MLA went to the High Court. The court granted him relief in July 2019, and asked the Home Ministry to reconsider its decision.

In an order served to Ramesh on November 20, the MHA has said that in his application for citizenship filed on March 31, 2008, he did not disclose that he had not lived in India for 12 months before the date of the application, even though he had made multiple trips to Germany during this period. This, the MHA has said, was in violation of The Citizenship Act, 1955, and the

Rules under it.

The MHA has said that when a clarification was sought from Ramesh in November 2008 about his foreign visits, he had maintained that he had not made any visits abroad.

"Thus he obtained registration of citizenship under section 5(1)(f) by means of fraud, false representation and concealment of facts and his action attracts provisions of section 10(2) of the Act. This makes him liable to be deprived of his Indian citizenship," the MHA order said.

**Sections 5(1)(f) and 10(2)**

These sections deal with grant of citizenship and the authority of the government to cancel the same. According to Section 5(1)(f), "...the Central Government may, on an application made in this behalf, register as a citizen of India any person...if a person of full age and capacity who, or either of his parents, was earlier citizen of independent India, and has been residing in India for one year immediately before making an application for registration."

Section 10(2) says: "Subject to the provisions of this section, the Central

Government may, by order, deprive any such citizen of Indian citizenship, if it is satisfied that the registration or certificate of naturalisation was obtained by means of fraud, false representation or the concealment of any material fact."

The law, however, also provides for checks to ensure that citizenship is not cancelled arbitrarily. Section 10(3) of the Act says, "The Central Government shall not deprive a person of citizenship under this section unless it is satisfied that it is not conducive to the public good that person should continue to be a citizen of India."

**Ramesh's defence**

Ramesh has maintained innocence on the ground that at the time of application, the law did not specifically require him to "continuously" stay in India for 12 months prior to the date of application. He has also said that since he was a German citizen prior to getting Indian citizenship, he did not consider going to Germany a trip "abroad", and therefore maintained that he had not made any trips abroad.

He has also argued that Srinivas's revi-

sion petition was time barred — the law requires the objection to be raised within 30 days and, in case the government allows it beyond that period, it must be satisfied that the petitioner was prevented for making the application in time.

He said: "Dr Ramesh Chennamaneni is a sitting MLA and does not have any criminal background. Hence section 10(3) of the Act is not satisfied. ...He was elected 4 times by the people of his constituency, being satisfied by his performance and development activity being carried out by him. He has not involved in terrorism, espionage, serious organized crime, war crime or unacceptable behavior. On the contrary, he has been doing lot of public good."

**Ministry's response**

The Ministry has noted that even the High Court had agreed that Ramesh had withheld information about his travel to Germany and, if at all he felt it was not a foreign country for him, he should have mentioned it to the Ministry and let the authorities decide.

"As a public representative, greater responsibility is thrust on Dr Ramesh

Chennamaneni to be fair in making his submissions. His conduct shall stand as an example to the people whom he represents. ...It is a well-known canon of law that 'Caesar's wife should be above suspicion.'"

According to the MHA, "The absence of criminal charge doesn't mean that person having inclination to misrepresent would be doing good. In fact, there is a very large area of activity open to public representatives, where such economy of truth can seriously endanger public good."

It has also said that it has taken the decision so as to not set a precedent.

**Ramesh's options**

Ramesh can go back to the High Court and challenge the decision. Thereafter, he can go to the Supreme Court. However, unless a stay order is granted on the MHA's decision, he is sure to lose his membership of the Telangana Assembly. In case he does not get relief from the court, he will have the option of going through the whole process again, following which it would be the government's discretion to grant him citizenship, if he satisfies all conditions.