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Communal Card

Will the Modi-Shah duo's brazen resort to divisive rhetoric in the face of uncertain electoral prospects yield results in Uttar Pradesh?



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COVER STORY

COMMUNAL



RAJESH KUMAR SINGH/AP

The Bharatiya Janata Party plays the communal card in Uttar Pradesh, indicating that **desperation has begun to consume** the party as the Assembly election process progresses.

BY **VENKITESH RAMAKRISHNAN** IN LUCKNOW, ALLAHABAD AND VARANASI

AN ANIMATED DISCUSSION THAT SPRANG UP on the Allahabad University campus on the morning of February 20, a day after the third phase of polling in the seven-phased ongoing Assembly elections in Uttar Pradesh, reflected the larger debate in the State among the principal contestants and a section of political observers. The participants in the impromptu campus debate were a clutch of students and non-teaching staff. Between them they represented all the major political formations of the State as well as a significant stream of thinking among non-partisan evaluators of the ongoing elections.

Shambub Yadav and his three friends had no doubt that the development-oriented “Kaam bolta hai” (work speaks) slogan of Chief Minister Akhilesh Yadav and the ruling Samajwadi Party (S.P.) had no match on the election scene or in the campaign of the rival parties and that the S.P., along with its ally, the Congress, was set to romp home with a decisive majority.

Sudhanshu Pandey contested this theory by saying that, as in the 2014 Lok Sabha elections, the primary factor in the 2017 Assembly elections was Narendra Modi and his political personality, including the unique governance initiatives he had taken up as Prime Minister. “The BJP’s score must have reached close to 150 after the completion of polling in 209 seats in the first three phases. A majority is just a matter of course now,” he maintained. Ramkishan, another student, pooh-poohed these arguments, saying that while these so-called front runners fought on supremacy claims, the Bahujan Samaj

PRIME MINISTER NARENDRA MODI at an election rally in Allahabad on February 20.

TWIST

Party (BSP), led by Mayawati, was quietly consolidating its position as the number one party in the State. Ajay Pal, who claimed to be a non-partisan observer, interjected to assert that the elections would throw up a hung Assembly and that although the S.P.-Congress combine may be the single largest pre-election combination, post election a BJP-BSP coalition would form the government. Shambub Yadav retorted: "If Mayawati takes the path of betraying the voters again, the BSP will split with its minority community MLAs shifting in large numbers to the S.P.-Congress combine."

Leaders of various political formations had advanced arguments on similar lines a day earlier. The BJP, the BSP and the S.P.-Congress combine had claimed to have secured a lead in the first three phases of polling. Leaders of each of these parties had claimed that they were marching to a comfortable majority, with approximately 300 seats in the 403-member Assembly. Of course, these claims were made from the respective forums of the formations, but they got represented on a common platform in the discussion on the Allahabad University campus. Interestingly, the projection made by Ajay Pal and Shambub Yadav's retort found reflection in some discussions among political observers in Lucknow. The dominant view among them was that the identical "show of confidence" among the leaders of all the three major formations pointed to a situation where they had reasons to be optimistic and apprehensive at the same time.

More significantly, this context brought out significant new twists in terms of strategies and campaign thrusts, which were strikingly manifest in the BJP's actions. The BJP and its associates started their campaign by "projecting the progress and benefits that India has gained from the Modi regime" as well as "highlighting the positive effects of demonetisation on the Indian economy and the people of the country". The campaign also branded the S.P., the BSP and the Congress with the acronym "SCAM", and promised to relieve Uttar Pradesh of corruption and misrule through the Modi imprint in development politics. But by the third phase of voting, the BJP leadership, including Modi himself, was pushing a blatantly Hindutva communal agenda. On the day of the third phase of voting, Modi campaigned at Fatehpur,

CHIEF MINISTER AKHILESH YADAV at an election rally in Lucknow on February 13.



PRASHANTH VISHWANATHAN/BLOOMBERG

which was to go to the polls in the fourth phase, on February 23, and stated: “If you create *kabristaan* [Muslim graveyard] in a village, then a *shamshaan* [cremation ground] should also be created. If electricity is given uninterrupted during Ramzan, then it should also be given during Deepavali without a break. *Bhedbhaav nahin hona chahiye* [there should be no discrimination].”

Amit Shah, BJP president, followed this up by asserting that the S.P. government’s welfare schemes were discriminatory on the basis of caste and community. He coined a new acronym, KASAB (after the terrorist Ajmal Kasab who was involved in the 26/11/2008 Mumbai terror attacks), to put down the Congress, the S.P. and the BSP. Lower-level BJP functionaries were even more aggressive in terming the incumbent government as pro-Muslim and pro-Yadav and sought to whip up divisive Hindutva sentiments.

DESPERATE TURN

Perceptions of the reasons for and the effect of this communal campaign have forced the non-BJP players to vacillate between hope and apprehension about the electoral outcome. Speaking to *Frontline*, Rakesh Sinha, political observer and a former Professor at the Indian Institute of Technology Benares, said Modi’s flagrantly communal utterances were a clear indication of the desperation that had begun to consume the BJP as the polling progressed.

“A party and its Prime Minister who had promised to campaign on the strength of governance track record have shifted gears to such an extent that they are making direct appeals to baser human instincts. The fact that demonetisation as a poll plank has not resulted in expected gains seems to be one factor behind this desperate turn. The other factor is that the coming together of Akhilesh Yadav and Rahul Gandhi [Congress vice president] is perceived to have a special appeal to the youth. It is in this context that we are seeing this vulgarisation of politics.”

Subhash Deswal, a retired colonel, progressive farmer and political observer from Sikandrabad in western Uttar Pradesh, presented a counterargument, holding



RAJEEV BHATT



BLOOMBERG

A TRUCK with the S.P. campaign slogan “kaam bolta hai” (work speaks).

that the BJP had resorted to an audacious communal line around polling in the first phase basically because it had realised that once again that brought electoral benefits. “There is no rocket science here. The BJP has sensed that Hindutva communalism still has potency although it may not be as intensive or as widespread as it was in the 2014 Lok Sabha elections, which were held in the shadow of the Muzaffarnagar riots.”

Other voices from the ground, too, expressed conflicting perceptions on Modi’s “*kabristaan* versus *shamshaan*” rhetoric. Sudhanshu Pandey found much merit in Modi’s contention. “There is nothing base or unacceptable about what Modi said. Discrimination is a fact of life in Uttar Pradesh and as Prime Minister he has to highlight it.”



Kumar Mangalam Appu Singh, a young businessman of Ramnagar in Varanasi, said Sudhanshu Pandey's support was misplaced. "Modi has brought down the prestige of the office of Prime Minister. He is stooping to this level because his *acche din* [good days] promise is in tatters and he has no other achievement to show the people. Now, he wants to be the proxy Chief Minister of Uttar Pradesh in order to ring in the so-called *acche din*. At this rate, he will argue that *acche din* can come to a district only when he becomes a district panchayat president."

A gardener-cum-household help working for a senior administrator at Benares Hindu University had a more nuanced take. He was of the view that there was a big difference between *kabristaan* and *shamshaan*. "Mus-

S.P. SUPPORTERS wave as Akhilesh Yadav leaves in a helicopter after addressing a rally in Moradabad.

lim graveyards can be anywhere, but custom has it that Hindus cremate only near a water body. By calling for *shamshaans* in every village Modi is trying to force us to cremate even in places without water bodies, thus bringing more distress to our lives. He brought one round of distress with *notebandi* [demonetisation] and he seems to be following it up with this."

State BJP leaders felt such views were isolated. "The majority of Hindus understand the import of Modi's statement. At the level of minute electoral politics, too, the discrimination angle is in keeping with the BJP's game plan. The party has built up its electoral edifice

‘People can see through the twisting

Interview with **Uttar Pradesh Chief Minister Akhilesh Yadav.**

BY **VENKITESH RAMAKRISHNAN**

“KAAM Bolta Hai” (work speaks), the principal campaign slogan of the Samajwadi Party (S.P.), is veritably an extension of the expression party president and Chief Minister Akhilesh Yadav uses repeatedly. The young leader employs it not just in an electoral context. He uttered a variation of the expression quite forcefully during an interaction approximately three years ago, at a time when a magazine had branded him as the “worst Chief Minister in India”, saying that his government was pulled in different directions by many super Chief Ministers, including his father and party founder Mulayam Singh Yadav. “I do not want to react to all that. I just listen to the everlasting advice given by the most supreme Yadav of all,” he had said during that interaction. “The supreme Yadav who told the world, karmanyeva adhikaaraste maa phaleshu kathaachana.” He was referring to Krishna and the Bhagvad Gita.

Akhilesh said: “I am just doing my work to the best of my ability and that should speak for itself.” Three years later, after his protracted battle within the party and the government, the overwhelming perception in the media is that Akhilesh Yadav is in control of the party and the government. The Chief Minister was subtly reminded of the interaction that took place three years ago as Frontline conducted an interview with him during his chopper-hopping campaign across the Bundelkhand region of Uttar Pradesh. Excerpts:

As the election progresses, the campaigning is getting more and more noxious with references to kabaristans and shamshaans as well as Ramzan ki bijli (electricity for Ramzan celebrations) and Deepavali ki bijli (electricity for Deepavali celebrations). Evidently, the election atmosphere is steadily acquiring communal overtones. How do you and the S.P. propose to counter this?

It is appalling that attempts to vitiate the social and political climate in the midst of the elections have emanated from none other than the top leadership of the ruling party at the Centre, including the Prime Minister and the Bharatiya Janata Party president. It is clear why they have embarked on this path. Early phases of the election process have been completed and they have realised that there is no gain for them. At our level, the S.P. is committed to not allowing this vile game plan to succeed. We will do everything possible at our command to maintain social and communal harmony. We



AKHILESH YADAV: “The S.P. is committed to social justice.”

have already highlighted the pathetic depths to which the BJP has sunk during the campaign by presenting concrete facts and figures. These figures show that as early as February 2015, the government had started work on a Rs.100-crore special project for opening cremation grounds in rural areas. Any objective observer of our government’s work will know that there is no community-based electricity supply here. In the past five years, the S.P. government has improved the electricity situation in Uttar Pradesh like no other government has. The benefits are for the people as a whole.

There is a growing perception that this vitiation of the social climate has restrained the political and electoral momentum that the Akhilesh Yadav factor and the S.P.-Congress combine had in the run-up to the polls.

of facts'

I do not think so. As far as I can see, people have made up their minds and they are going to opt for a continuation of the development narrative and a younger political leadership. All attempts at communalisation are being gauged on merit by the people and they will give a fitting reply to these political desperadoes.

But the Prime Minister is on record as to how you are looking and sounding desperate in the face of the BJP's campaign offensive. He has referred to some of your individual television appearances and pointed out that you are looking tired and listless.

I am a normal human being with normal physical abilities. I do not have claims of being a superman like some people in our country's political space. Nor do I take recourse to special diets, costing lakhs of rupees and probably suffuse with steroids. In any case, I am not an asset to the cosmetics industry that helps you nurture your narcissism through make-up that glosses over the natural human tendency to feel tired when you work hard or have to exert yourself. Again, I am not a brand ambassador for such fashion designing that promotes one's self-obsession by creating suits with your name written all over them. This obsession with physical appearances is ludicrous, to say the least.

Coming back to your "Kaam Bolta Hai" slogan, there is a view that while it may work well for you personally, it is not true for all the S.P. Ministers, particularly for the incumbent MLAs. There is something called local anti-incumbency and that is seen to be working against the S.P.

There may be stray cases, but as a whole Team S.P. has put in creditable work over the past five years and the majority of the population knows and acknowledges this.

Even those who accept your work in terms of infrastructure, electricity and roads as positive point out that the S.P. government's track record on law and order is abysmal. The serious criminal cases that have come up against people like Gayatri Prajapati, the S.P. candidate in Amethi, are fodder for the opposition's campaign.

The work of all institutions, including governments, will have limitations. But I can say with certainty that I have tried my level best to understand the deficiencies and limitations and taken steps to overcome them. The launching of the information technology-enabled dial 100 service was a big step in this direction. Also, one needs to address the crime rate in Uttar Pradesh in

relation to and in proportion to its population. That is the scientific method, and if you adopt it you will know the crime rate in this large State is much lower than in many other States, including those ruled by the BJP.

The other criticism is about the period when your development narrative unfolded. There is a stream of opinion that you focussed on development only after the S.P.'s defeat in the 2014 Lok Sabha elections.

This again is an unfounded propaganda that overlooks facts. I request you to just go back to *The Hindu's* reporting in early 2013, less than a year after I was voted into office. *The Hindu* reported then that the government was planning big infrastructure projects worth several thousand crores, including road projects and schemes in IT and ITeS sectors. Again, as any observer of development projects would know, big projects take time to show results. Thus, what we planned and worked on from year one started showing results from the fourth year onwards. It had nothing to do with the 2014 elections or any other extraneous factors. The people of Uttar Pradesh know these details and can see through the twisting of facts by our opponents in the political space and elsewhere.

An interesting facet of the S.P. campaign this time is that the party's conventional campaign themes based on Other Backward Class (OBC) identity politics, secularism and minority welfare are underplayed. The development narrative has taken centre stage. Will this also not become counterproductive?

This is the age of new politics where politics in the name of identity, welfare, development, social justice and overall human progress has acquired or is acquiring new shapes and dimensions. The S.P. has been committed to social justice and progress right from its inception. There are certain things that we need not emphasise anymore since our supporters and the larger electorate know that it is ingrained in the party. For example, our commitment to minority welfare is time tested. However, our development paradigm is moving to newer areas, assimilating our basic commitment to the fundamental objectives of the party; hence, greater emphasis is placed on that aspect.

Was the internal struggle in the party between the old guard and your team a reflection of this new perspective?

You are well aware that it was not the case. There are no fundamental differences within the party on any vital issue. Some people conspired to create misunderstandings with the help of our political opponents, and they did succeed in creating confusion. I took a resolute stand to save the party as well as my near and dear ones. I think that phase is over. We are all united to achieve our immediate goal of winning the elections.

around non-Yadav Other Backward Class [OBC] communities and because of this some sections of the core BJP support base felt sidelined, including upper-caste communities such as Brahmins and Banias. When Hindutva becomes the central point of the campaign, their resentment is getting minimised,” a senior Rashtriya Swayamsewak Sangh activist in Lucknow said.

While it is too early to judge which of these assessments will turn out right, there is little doubt that these signify a significant twist in the electioneering in the State. It also marks a change in the electoral mood, although it is too early to gauge or quantify the depth and reach of this change. This change must be seen in the context of the situation that prevailed in the week prior to the first phase of polling. That week had shown signs of the emergence of some definitive electoral characteristics marked by a pronounced ascendancy of the “Akhilesh Yadav factor”. This, in turn, generated a conspicuous tilt towards the S.P.- Congress combine. The consensus at that time among political observers and even among political players, including those in the BJP, was that the momentum was with the combine and that this could take it close to a majority if not a clear majority itself.

However, certain happenings a day prior to the first phase of polling and the manner in which the polling itself progressed unravelled some other factors that relatively reduced the dominance of the “Akhilesh Yadav factor”. The most important development in this regard was the killing of a 17-year-old Jat Hindu boy at Pedda village in Bijnore district in western Uttar Pradesh on February 10. Bijnore, incidentally, went to the polls only in the second phase on February 15. However, news spread on February 11, the day of the first phase of polling, that the boy had been killed allegedly by a group of Muslims. The incident was apparently a continuation of past rivalries triggered by the events of September 2016, which included an alleged incident of eve-teasing leading to the death of three Muslims. Notwithstanding these factors, the incident triggered efforts at communal polarisation, essentially by the BJP and its associates in the Sangh Parivar such as the RSS, the Viswa Hindu Parishad (VHP) and the Bajrang Dal. Social media sites were used extensively to propagate this.

Following this concerted campaign at the grass roots, the BJP’s own estimate after the first round of polling was that it had managed to pull back at least 30 per cent of the dominant Jat community in the region. In the week prior to the elections, the situation was such that Jats had more or less completely forsaken the BJP and gone back to Ajit Singh’s Rashtriya Lok Dal (RLD), which has been for long considered the original party of the Jat community.

The return of sections of the core Hindutva vote to the BJP had apparently triggered a reaction from sections of the Muslim community, which moved to the BSP on the pretext that the party’s Dalit base would rally better to defeat the BJP. The S.P.-Congress combine, on the other hand, was not able to take extremist positions essentially on account of the fact that its campaign revolved around the development plank which sought to steer clear of

communal polarisation. The net effect of all this was that perceptions about the first phase of polling changed. In the week before polling, the S.P.- Congress combine was expected to win 40 plus seats of the 73 seats that went to the polls in the first phase, with the BJP possibly getting reduced to the third spot in the region. But, calculations after the polling were that the communal polarisation had divested the combine of its advantage in at least 10 seats, although it may be marginally ahead of the BJP and the BSP in the seats that went to the polls in the first phase.

It is this turn of events that triggered the BJP’s re-



SANJAY KANOJIA/AF



BJP SUPPORTERS at a rally addressed by Modi at Andawa village on the outskirts of Allahabad on February 20.

vived and aggressive communal electioneering. Whatever its moral and ethical deficiencies, there is no denying that it has injected a new energy into the BJP. Leaders of the State BJP told *Frontline* that while the revival of Hindu sentiments lifted the BJP in the first and second phase of polling (73 and 67 seats respectively), the ramifications of the internal fight in the Yadav family between Akhilesh Yadav and uncle Shivpal Yadav imparted some advantage to it in the third phase, which witnessed polling in central Uttar Pradesh's 69 seats, conventional-

ly termed as the S.P. bastion. "Even on polling day, Shivpal and his associates were campaigning against official S.P. nominees," said a senior State BJP leader.

COMMUNALLY SENSITIVE REGION

By any yardstick, the communal drive of the BJP is bound to aggravate because the remaining four phases are in central-east and eastern parts of Uttar Pradesh. This region, called Poorvanchal, is also communally sensitive. That the region is the base of Yogi Adityanath, the BJP

'There is no sectarian plan'

Interview with **Keshav Prasad Maurya**, Uttar Pradesh unit president of the BJP.

BY **VENKITESH RAMAKRISHNAN**

KESHAV PRASAD MAURYA is perceived to be an important element in the organisational and political restructuring plans that Prime Minister Narendra Modi and Bharatiya Janata Party national president Amit Shah are advancing in the party. This perception is not confined to the BJP echelons but has spread across the larger Sangh Parivar. At the core of the Modi-Amit Shah restructuring plans is a social engineering plan that aims at building a strong Other Backward Class (OBC) and Most Backward Caste (MBC) support base over and above the BJP's upper-caste Hindu foundation. The duo apparently holds the view that through this the BJP will be able to reach out to the marginalised sections and remove the perception that the party caters essentially to the interests of the upper-caste Brahmin, Thakur and the Bania communities. Maurya's elevation as the president of the Uttar Pradesh unit was reportedly dictated by the factors that were in keeping with this line. "Gareebi, Sangh aur OBC" (poor personal economic background, strong connections with the Rashtriya Swayamsewak Sangh and belonging to an OBC community) were cited as the factors. Amit Shah and Maurya have campaigned together in the ongoing Assembly elections, evidently to send a symbolic message to the targeted OBC and MBC communities. *Frontline* spoke to Maurya a few times during the election campaign. Excerpts from these interactions:

The BJP started the campaign with the promise of bringing the Modi style of governance to Uttar Pradesh and by highlighting the so-called positive effects of demonetisation. But midway through the campaign, BJP leaders are invoking a Hindutva appeal by talking about communal discrimination. What has caused this shift?

There is no shift or change. Exposing the discrimination practised by the Samajwadi Party [S.P.] government and fighting against it is also part of the development discourse. The positive style of governance propounded by Modiji does not exist in a vacuum. The wrongs of the past need to be undone to move towards constructive, new governance. That is one of the foundations of our *sabka saath, sabka vikas* motto. As Modi pointed out, the hallmark of the S.P. government is discrimination. The level of discrimination is so high that nobody is happy. Dalits say they are not getting their rights, OBCs are getting everything. Many OBC communities say the government gives [benefits] only to Yadavs. Yadavs say only those associated with the first family of Yadavs are getting their rights, and the



RAJEEV BHATT

KESHAV PRASAD MAURYA. "Exposing the discrimination practised by the Samajwadi Party government and fighting against it is also part of the development discourse."

rest go to Muslims. No one is satisfied. We are clear that it is a government's responsibility to ensure that there is no discrimination. There should not be any injustice on the basis of religion or caste. Only if we assure this can we move towards equitable and fair governance.

Even so there is a difference in emphasis. What dominated in the beginning were concrete governance perceptions and a debate on demonetisation. Now communal issues have come to the fore. Many observers are drawing a parallel between this and the manner in which the BJP's Bihar campaign unfolded in 2015. Even then there was this shifting emphasis. It was perceived then as desperation. The same assessment is coming up now too, and leaders of the S.P.- Congress combine as well as the Bahujan Samaj Party (BSP), including Chief Minister Akhilesh Yadav and Mayawati, say that the BJP is in panic.

Look, this is campaign time and it is expected that political opponents will portray things like this. But our campaign in Uttar Pradesh has always progressed like this, with multiple points of emphasis. There is no need to compare with Bihar. The people of Uttar Pradesh

have seen the Modi style of governance and the S.P. style of governance. You will see which one they will ultimately choose. Until then, our opponents are free to propagate any desperation story they want to.

There is also a stream of opinion, forcefully articulated by the S.P.- Congress combine, that the BJP conducts only negative campaigns without projecting any positive proposal or plan for Uttar Pradesh.

This is completely unfounded. Look at our manifesto and you will see the details we have gone into and the meticulous road map that we have etched for the development of the State. It is a comprehensive road map that encompasses the rural and urban sectors, the youth and women, the agricultural sector and farmers, infrastructure, industrialisation and promotion of information technology.

Across the BJP and the Sangh Parivar you are perceived as an important individual element that will take forward the ongoing political project of non-Yadav OBC-MBC consolidation.

This is again a misconception. The BJP's political agenda and plans are not advanced at an individual level, but collectively as a team. And do not think that there is any sectarian plan that we are taking forward. All communities, including the Muslim minorities, are rallying behind the BJP. And, as I have said earlier, 40 per cent of the Yadav votes are coming to the BJP and this is what is propelling us towards 300-plus seats in the 403-member Assembly. The time when the family of Mulayam Singh Yadav considered Yadavs as their fiefdom is long gone. Yadavs know that the S.P. has not done anything for them but only for Saifai's family. All communities are fed up with the goonda raj that has become the hallmark of the S.P. government, with persons accused of rape and murder such as Minister Gayatri Prajapati calling the shots.

There are reports of widespread dissent among the core upper-caste support base of the BJP on account of the OBC-MBC political plank as also on account of allegedly faulty seat distribution.

You shall get answers to all these on March 11. You will realise that your premise on both the political plank and seat distribution is wrong. I do not want to say anything other than this.

There are many chief ministerial aspirants in the BJP. There is a view that you are also a contender.

Don't be in a hurry. We shall form the government and you will know who is the Chief Minister who will take forward Modi's great vision of governance and development.

Member of Parliament from Gorakhpur who is known for his outrightly Hindutva communal campaigns even in normal, non-election times, could add sting to this revived Hindutva line. The region has a sizable Muslim population and there are certain elements, such as the jailed gangster Mukhtar Ansari and his brother Afzal, who rejoined the BSP recently after flirting with many options, including the S.P. Akhilesh Yadav resolutely refused to accommodate the brothers.

The popular feeling in this region is that the Ansari brothers and their supporters could respond to the BJP's communal propaganda with their own form of Muslim communalism. The Ansaris have varying influence in different parts of eastern Uttar Pradesh, including Varanasi, Ghazipur and Mau. The Ulema Council, an outfit formed in 2008 with pronounced affiliation to Muslim identity politics and with pockets of influence in the eastern districts such as Azamgarh, has also apparently moved closer to the BSP on account of the Ansari brothers' clout.

The S.P. leadership, however, asserted that the shifting campaign thrusts of the BJP and the BSP only underscored their desperation. "The people have made up their minds and they are going to opt for a continuation of the development narrative and a younger political leadership. All fervent attempts at communalisation are being gauged on merit by the people and they will give a fitting reply to these political desperadoes," Akhilesh Yadav told *Frontline* (see interview).

CAMPAIGN MISADVENTURE

The BJP and its associates in the Sangh Parivar and the National Democratic Alliance (NDA) had tried similar tactics aimed at creating and aggravating communal polarisation during the Bihar Assembly elections in November 2015. Just as during the current elections in Uttar Pradesh, the BJP had campaigned initially for Modi's development model but after two rounds of polling, resorted to an aggressive Hindutva campaign. This began with Amit Shah's warning that "firecrackers will go off in Pakistan if the BJP loses Bihar" and was followed up by a series of localised moves, including a sensational depiction of a cow and a girl in posters, which had textual content accusing the Janata Dal (United)-Rashtriya Janata Dal (RJD)-Congress alliance of not doing enough to protect the cow mother. This campaign was at its peak during the last phase of the election, but failed to create the desired effect for the BJP and its associates in that election.

Commenting on the campaign misadventure, veteran BJP leader Murli Manohar Joshi had told *Frontline* then that the enterprise was bound to fail right from the word go. "To start with, the electoral arithmetic that came up with the alliance of the JD(U), the RJD and the Congress was formidable. Even going by the 2014 Lok Sabha voting pattern, the grand alliance had 45 per cent of the vote share compared with the BJP alliance's 39.5 per cent. The attempt was perhaps to make up for the gap, but the caste foundation of the grand alliance, espe-

‘No truck with the BJP’

Interview with **BSP spokesperson Sudhindra Bhadoria**. BY **DIVYA TRIVEDI**

What is the Bahujan Samaj Party’s assessment of the first four phases?

The BSP was expected to do exceptionally well in the first two phases of polling given the demographic pattern of those areas, where Dalits and Muslims constitute 60 to 70 per cent in some of the constituencies. Subsequently, as the wind started to blow in the BSP’s favour, in the next two phases, in Central U.P. and Bundelkhand, also we did exceptionally well.

How did you arrive at this conclusion?

Mayawati is perceived as the one person who can provide law and order for all, particularly women. Dalits and Muslims too feel secure in her rule. Finally, and most importantly, farmers and unemployed youth get the best deal when she is in power. Besides, in western U.P. and some other areas, she gave a very good deal to growers of sugarcane, potato, paddy and wheat when she was the C.M. For instance, she nearly doubled the price of sugarcane to Rs.240 a quintal from Rs.140 a quintal under Mulayam Singh Yadav as C.M. This increased their purchasing power and improved education, health, housing and all other aspects of life. She has promised to write off farmers’ loans to the tune of Rs.1 lakh each if elected to power. So marginal farmers stand to gain greatly from her.

What is your response to Modi’s shamshan-kabristan comment?

What kind of a campaign is this? They have forgotten *sabka saath, sabka vikas, acche din*, black money, farmers and youth. They are talking about scam, Kasab, *gadha* (donkey), *shamshan, kabristan*. These are irrelevant things which are not concerns of the people of U.P. They are trying to vitiate the atmosphere. Akhilesh Yadav is hand in glove with them and also playing a supportive role by calling him [Narendra Modi] a donkey.

Some Muslims are voting for the BSP, but the majority are still with the S.P.

I would dispute this. An overwhelming population of Muslims is voting for us as it feels secure. There are a couple of factors for this: there have been no communal riots during the four terms of Behenji as C.M., while only in one term of Akhilesh, there have been more than 400 riots.

Modiji keeps talking of Godhra, *shamshan-kabristan*, Kasab, *ramzade*, Pakistan, and I don’t want to use the words the BJP leadership has been using. They make it so murky. Therefore, under all circumstances, people who want harmony, development, peace and progress will vote for the BSP. The poor in U.P. are all with the BSP. Seven crore of the 22 crore in U.P. live under the poverty line and they are basically Dalits and Muslims. There are OBCs [other backward classes] and others too. Behenji has said that if she comes to power she will give reservation to upper class poor also.

The concept of Dalit-Muslim unity was propounded by Kanshi Ram and had all but disappeared until recently.

There is a reason for that. Dalit-Muslim unity was always on the party’s agenda, but this time, we reiterated it with some force as these communities are the ones who bore the maximum brunt: look at Una, Rohith Vemula, Muzaffarnagar, Najeib in JNU.... There is a pattern to it and these sections have been completely marginalised. Their welfare is not on the agenda of the present dispensation. So Mayawati has reiterated forcefully that power will be used to protect these sections.

Some Muslims are aggrieved that Mayawati did not say anything during the Muzaffarnagar riots.

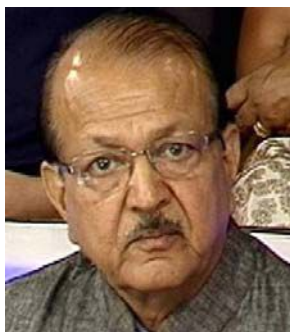
That is absolutely wrong. The parliamentary proceedings of the Rajya Sabha are proof of her interventions. Our party members, leaders and workers, along with other members of civil society carried out rehabilitation and extended support to these sections in the Muzaffarnagar, Dadri and all other such cases.

How are you countering the Akhilesh-Rahul combine?

We don’t have to counter them as they are countering each other every day. There are several seats where the two parties are fighting each other.

The induction of Mukhtar Ansari, who faces criminal charges, has dented the BSP’s credibility on the issue of law and order.

Hindus, Sikhs, Buddhists and Muslims have made statements in support of the party. Mayawati has not asked anybody to give these statements. If somebody wants to support us with a view that she will maintain social and communal harmony, we cannot say no we will not take support from you. In fact,



SUDHINDRA BHADORIA.

THE CROWD at a BSP rally on February 10 in Moradabad, which voted on February 15.



SANDEEP SAXENA

all these names that you are taking have grown in the nursery of the Samajwadi Party. Take the example of Gayatri Prajapati. He is the face of the S.P. in Amethi and was involved in gang rape. His father, known to be a socialist leader, says “rapes happen, and should be forgiven”. From where have they created this new kind of socialism that legitimises rape? They have blossomed on the S.P. breeding ground.

Our view on criminalisation of politics is that it is the responsibility of the government at the Centre, the Prime Minister and the Election Commission, to create a level playing field and see that anybody charged with murder or rape and other heinous crimes is completely cut off from electoral politics. We don't have such people in our party. Maybe some cases have been levelled against a few, which are under judicial scrutiny. Therefore, I think it is proper to have a holistic approach on this rather than pointing at a political party, which is a party of the Dalits and the poor. What criminalisation can we do? We will always end up bearing the brunt of these rogues. Besides, Mayawatiiji does not hesitate to take steps against her own MLAs, MPs or even Ministers if they are found guilty. The prime examples are Shekhar Tiwari, who is languishing in jail, and Babus-ingh Kushwaha, who was forced to resign.

What happens if the BSP falls short of the numbers to form the government...?

We don't need to join hands with anybody. We will get a majority on our own. Akhilesh has admitted that the tie-up with the Congress was because of his *majboori* (helplessness). We don't want to do anything in *majboori* as then you can't bring *majbooti* (strength).

Besides, we [the BSP and the Congress] are ideologically two different parties. We belong to the Ambedkar school of thought, while they belong to the school of thought that is exploitative in this society. If they are trying to change, they should prove it with their deeds rather than pay lip service. The S.P. is trying to malign us by spreading [rumours] that Behenji will join hands with the BJP. She has made it unequivocally clear that she will have no truck with the BJP. She will neither accept nor give any support. Even if we fall short by five seats, we will prefer to sit in the opposition.

If Mayawati loses this election, it will be a huge setback for her politically.

Well... we have grown from scratch. Babasaheb [Ambedkar] himself had won and lost many elections. Victory does not make us arrogant and defeat does not deter us from our determination to move forward.

Your views on the BSP's foray into social media.

Social media is the buzz for us. It is a spontaneous campaign where we are getting enormous support from unknown quarters too. As far as mainstream media is concerned, Behenji is positive about the role of the media, which is important in a democracy, a fact underscored by both Babasaheb and Kanshi Ram. But this time round, certain media houses have been very negatively disposed towards us. She has also made it clear that opinion polls were doctored and done with a deliberate design to misguide public opinion and electoral behaviour. However, our supporters are rock solid behind us and campaigns against us have not been able to dent this support. We are assured of a thumping victory.



BJP PRESIDENT Amit Shah at an election campaign rally in Allahabad on February 21. He coined a new acronym, KASAB, to put down the Congress, the S.P. and the BSP.

cially the RJD's OBC Yadav base, was too strong to be swayed." The BJP leadership in Uttar Pradesh believes that there will be no repeat of Bihar this time. Unlike in Bihar in 2015, the S.P. and the Congress do not constitute a formidable alliance. Going by the 2014 figures, the combine has only 29.70 per cent of the vote (S.P. 22.50 per cent and the Congress 7.50 per cent) whereas the BJP and its allies have a 42.30 per cent vote share. Although a section of this vote base has deserted the BJP (a section of Jats and Dalits who supported the BJP in 2014 have shifted allegiance to the RLD and the BSP respectively), the decrease in the BJP's vote may not be that drastic.

Right from the run-up to the campaign, the State BJP leadership has been maintaining that only a 15 percentage point drop from the 2014 vote share will cause its defeat. The average vote drop for the BJP in all the Assembly elections since 2014 has been to the tune of 10 percentage points.

"We will have no problem in managing that," the RSS activist from Lucknow told *Frontline* during the early stages of the campaign. However, the momentum built up by the S.P.-Congress combine in the week prior to the elections has created the impression, even in the BJP State leadership, that the party and its allies were bound to lose more than 15 percentage points from the 2014 vote share. But with the relative slowdown in the S.P.-Congress momentum and the communal thrust in the BJP's campaign, the sense of alarm seems to have come down in the BJP.

According to Rajendra Choudhary, chief spokesperson of the S.P., the BJP's communal campaign may have had a limited impact in the first phase of polling, but it failed to gain traction in the second and third phases.

"The S.P. bastions in the third phase have stayed firm," he told *Frontline*. On the ground, too, activists and supporters of the S.P.-Congress combine exude confidence. "Even in the five Assembly segments of the Varanasi Lok Sabha seat represented by Modi, the BJP is fighting with its back to the wall. The party may end up losing all these seats. This is because of a variety of factors, including the strong reaction to demonetisation from the large trader community in the region and the arbitrary ticket distribution by Amit Shah, bypassing the local leadership with long association with the party and favouring turncoats. Sections of the Brahmin community in urban centres such as Allahabad and Varanasi, too, have turned against the BJP because of its abandonment of the traditional and core support base," pointed out Naresh Kumar, a small-time tea vendor at Assi Ghat in Varanasi, who wears his support to Akhilesh Yadav on his sleeve.

Varanasi-based observers such as Kumar Mangalam Appu Singh broadly share this view but at the same time express concern over the communal narrative advanced by the top leadership of the BJP, including Modi and L.K. Advani.

"The murmurings that I hear from the bylanes and villages of Varanasi are that given the BJP's bleak situation in the Prime Minister's constituency, Amit Shah is planning to camp in the region for about a week. There are obvious suggestions about turning the election communal by foisting events that would cause a flare-up. God save this holy land when the Prime Minister's closest political associate is seen to be setting communal fire to it," said Appu Singh, whose observation resonates in Varanasi and other parts of eastern Uttar Pradesh as the election process moves on. □

The Naga factor

Suspensions about the contents of the Framework Agreement between the Centre and the NSCN(I-M) **rankle the people of Manipur** even as the ruling Congress and the BJP try to woo voters. BY **SUSHANTA TALUKDAR**

AS CAMPAIGNING GAINED momentum in Manipur for the two-phase Assembly elections scheduled for March 4 and 8, the ruling Congress and the opposition Bharatiya Janata Party (BJP) were seen trying to outmanoeuvre each other with promises to protect the territorial integrity of the north-eastern State.

The aggressive postures adopted by the two major parties around the issue and over the ongoing blockade of the two National Highways, NH 2 and NH 37, have brought the Framework Agreement signed between the Central government and the National Socialist Council of Nagalim (Isaac-Muivah) in 2015 to the centre stage of the electoral battle. The Congress dared the BJP-led National Democratic Alliance government at the Centre to make public the contents of the agreement. The BJP, on the other hand, has accused the Congress of playing “unhealthy” politics around the Naga peace talks.

Altogether, 265 candidates are in the fray for election to the 60-member State Assembly; 167 candidates will contest for 38 seats that will go to the polls in the first phase and 98 candidates for 22 seats in the second phase.

Speaking at the BJP’s “Intellectual Meet and Vision Document Release” in Imphal on February 19, Union Home Minister Rajnath Singh said: “There is no mention of Manipur in the Framework Agreement with NSCN(I-M). The Congress is not doing healthy politics.”

The promise of “firm commit-

ment to protect Manipur’s territorial integrity, culture and its people” tops the 10 action points listed in the BJP Manipur Pradesh Vision Document 2017, which was released by Rajnath Singh, senior BJP leader Ram Madhav and other party leaders.

The Framework Agreement was signed on August 3, 2015, after 80 rounds of peace talks. Both sides have remained tight-lipped about the contents of the agreement and this has triggered speculations in Assam, Manipur and Arunachal Pradesh about whether the pact talks about addressing the issue of integration of all Naga-inhabited areas of these States besides Nagaland and, if yes, in what manner. The NSCN(I-M) has been maintaining that any solution that is arrived at should apply to all areas under “Nagalim”. The NSCN(I-M)’s map of “Nagalim” includes large areas of Manipur and parts of Assam and Arunachal Pradesh, besides Nagaland.

The BJP hopes that its Vision Document and the statement made by Rajnath Singh will remove any suspicion among the people of Manipur over the Framework Agreement and the voters will reject the Congress’ campaign around it. However, neither Rajnath Singh nor the BJP has sought to explain the need to keep the contents of the

agreement a secret, which has given the Congress an opportunity to fire a fresh salvo against the Centre demanding to know why the details of the agreement have been kept a closely guarded secret if it contains nothing harmful to Manipur.

Chief Minister Okram Ibobi Singh alleged that the verbal assurance given by Rajnath Singh only deepened the people’s suspicions about the agreement.

The Congress, in its election manifesto, has promised to “urge the Centre to enact a constitutional safeguard to protect the integrity and territorial boundary of Manipur”. The party’s spin doctors have articulated this promise hoping that the “constitutional safeguard” will sound more concrete and convincing than a mere promise of “protecting the integrity and territorial boundary of Manipur” as the existing constitutional provisions are no bar to re-drawing the State’s boundaries.

Reiterating its demand for making the contents of the agreement public, the All Manipur Students’ Union (AMSU) said that the Home Minister’s assurance that the agreement would not disturb the territorial integrity of Manipur was not enough.

“We would like to study the Framework Agreement to see if it contains anything inimical to the interests of



CHIEF MINISTER
Okram Ibobi Singh.

RITU RAJ KONWAR

Manipur. We are not looking for any certificates issued by the Union Home Minister or the Prime Minister or any other leader about the Framework Agreement,” a statement issued by AMSU secretary general Manjit Sarangthem, which was quoted by local newspapers, stated. The AMSU has launched its “Campaign for Protection of Historical and Political Identity of Manipur” to press for its demand for a white paper on the Framework Agreement. AMSU supporters took to the streets in different parts of the State to form human chains and take out processions holding banners with the slogan, “Disclose Framework Agreement signed between Government of India and NSCN(I-M)”.

The United Committee of Manipur, the Committee of Civil Societies Kangleipak and the Nongchup Imphal Meira Paibi Apunba Lup have also demanded that the contents of the agreement be made accessible to the people of Manipur. They appealed to political parties and their candidates not to use the agreement for electoral gains.

Rajnath Singh’s clarification on the agreement and the BJP’s decision to make the issue of protection of integrity and territorial boundary of Manipur the top action point in its Vision Document are likely to ease the pressure on Ibobi Singh, who is seeking to script electoral history by being elected for a fourth consecutive term although an anti-incumbency sentiment has crept in after 15 years of Congress rule.

The BJP’s Vision Document has pushed the development plank behind and made the issue of territorial integrity of Manipur the most important political issue. Since the United Naga Council (UNC)-sponsored economic blockade is intricately linked to the aspiration of Nagas for the integration of all Naga-inhabited areas and assertion of their claims that their ancestral land has been appropriated for the creation of new districts, every time the BJP raises the issue of blockade it faces the tough challenge of coming up with a more convincing assurance on the protection of the territorial integ-



RITU RAJ KONWAR

IROM SHARMILA, People’s Resurgence and Justice Alliance candidate, leaving the Deputy Commissioner’s office after filing her nomination papers.

ity of Manipur. For the same reason, the BJP is also under pressure to disclose the contents of the Framework Agreement.

In a bid to prevent its supporters in the valley districts as well as in the hills from shifting their loyalty to the BJP, the Congress has raked up the issue of the political alliance between the saffron party and the Naga People’s Front (NPF). The NPF and the BJP are partners in the ruling Democratic Alliance of Nagaland in Nagaland. The NPF is also a constituent of the North East Democratic Alliance (NEDA) formed at the behest of the BJP. Although the NEDA has clarified that the alliance between the NPF and the BJP is limited to Nagaland and that the two parties are contesting against each other in Manipur, the BJP is finding it difficult to convince voters in the valley districts that it will keep its promise to protect Manipur’s territorial integrity as “integration of all Naga-inhabited areas” has been the key plank of the NPF.

Rajnath Singh described the economic blockade as the result of a “political conspiracy to divert the attention from the failures of the Congress government” while his par-

ty included establishing “a Highway Protection Force for blockade-free Manipur” as one of the action points of its Vision Document. Rajnath Singh also claimed that the Centre had provided the State adequate Central forces but the State government did not use them to remove the blockade.

The UNC imposed the blockade on November 1 last year to protest against the creation of seven new districts in Manipur. It alleged that the new districts were created by bifurcating the ancestral land of the Naga people without their consent. It decided to continue the blockade until the government rolled back the decision. While the Congress has ruled out a rollback of the decision on the new districts, the BJP has not made any commitment on the UNC’s demand. Its Vision Document has promised to “connect every district with all-weather four-lane roads”. The Congress has demanded that the Centre declare the UNC an unlawful organisation.

The BJP’s action points promised to “investigate fake encounter and corruption cases” but no direct reference has been made to the Armed Forces (Special Powers) Act (AFSPA), 1958, although most of the alleged fake encounters are attributed to the controversial Act. The Congress manifesto, on the other hand, has promised to strive for the removal of the AFSPA from the remaining part of the State as had been done in the seven Assembly segments under the Imphal Municipal Corporation.

The issue did figure in the past elections but this time it has got more prominence with the human rights activist Irom Sharmila Chanu, who was on a hunger strike that lasted 16 years to press for the repeal of the AFSPA, floating a new political party, the People’s Resurgence and Justice Alliance (PRJA) and entering electoral politics. Irom Sharmila is contesting against Ibobi Singh in Thoubal constituency. She ended her fast on August 9, 2016, and decided to float the new party in a bid to take her cause to the floor of the Assembly. The PRJA has fielded three candidates. □

BJP's show

The Shiv Sena gets more seats in the Municipal Corporation of Greater Mumbai, but **the BJP emerges the winner** in the civic elections in Maharashtra. BY **LYLA BAVADAM**

THE 2017 civic elections in Maharashtra were perhaps as closely watched and contested as an Assembly election. And with good reason. The drama that preceded the elections continued to the very end with the Shiv Sena and the Bharatiya Janata Party (BJP), former allies, almost neck and neck.

Of the 10 municipal corporations, 25 zilla parishads and 283 panchayat samitis that went to the polls, the most keenly followed was the election to the Municipal Corporation of Greater Mumbai (MCGM). The Sena and the BJP had together ruled the MCGM since 1997. It was the alliance that had kept them in power, and thus, when their disagreement over seat sharing resulted in a parting of ways, the elections suddenly became interesting. Essentially, the elections were about these two parties. The others were inconsequential in the power game. The Sena considers "owning" Mumbai a matter of its right, but the increasing cosmopolitan composition of the city with a more aware citizenry meant that the party did have a true fight on its hands. The BJP had the automatic boost that comes from being the party in power at the Centre.

It was widely agreed that these civic elections would have the effect of giving Maharashtra's politics a new direction. In Mumbai, the Sena won 84 seats and the BJP 82. But in the larger political game, it is actually the BJP that has emerged as the winner. It has drastically improved on its 2012 tally of 31 seats in Mumbai. The

Sena's growth has been smaller: it won 71 seats in 2012.

In the rest of the State, the BJP was an outright winner in Pune, Nagpur, Nashik, Ulhasnagar, Pimpri-Chinchwad, Solapur, Akola and Amravati. The party's victories in the first three cities mentioned stand

out. Pune was a stronghold of the Nationalist Congress Party (NCP), but the BJP displaced it by winning 98 of the 162 seats; the NCP won only 40. Nagpur was an expected win for the BJP since it is Chief Minister Devendra Fadnavis' home base, but what was exceptional was that the



UDDHAV THACKERAY, president of the Shiv Sena, at Sena Bhavan on February 23 after the election results were announced.

Sena won only two seats there. The results in Nashik too were on expected lines. In the last election, Raj Thackeray's Maharashtra Navnirman Sena (MNS) wowed everyone with its performance, but the party's promises were bigger than its capabilities and Nashik's voters saw to it that the MNS plunged from 40 to five seats. The BJP won 67 of the 122 seats. The BJP also did exceptionally well in its non-traditional areas in the zilla parishads and panchayat samitis. It led the race, beating even the Congress and the NCP for whom rural Maharashtra has been a bastion.



ARUNANGSU ROY CHOWDHURY

CHIEF MINISTER Devendra Fadnavis being fed sweets by Ashish Shelar, president of the BJP's Mumbai unit, at the party office in Dadar, Mumbai, on February 23.

What happens in the MCGM is going to be the game changer for the State's politics. In a combative mood, the BJP refuses to be held back in the second place in Mumbai and claims support from independents. That the BJP is in the ascendant has been recognised by politicians for a while. Former independent candidates who were strong in their own right decided to join the BJP for this election because they recognised the power of the party. The counting of votes in the city was a cliff-hanger.

The Shiv Sena consolidated its lead early in the day and steadily increased the difference between it and its nearest rival, the BJP, as the day wore on, but towards the end the Sena plateaued, while the BJP's numbers kept climbing. The final results for the 227-member House of the MCGM: the Sena got 84 seats, the BJP 82, the Congress 31, the NCP nine, the MNS seven, and others 14.

Like two gladiators fighting for their lives, the Sena and the BJP are circling each other warily. To re-enter into a partnership would be the most logical move, but given that their parting was recent and hostile, some face-saving device will be required. Other political parties are watching the face-off. The Congress is watching with an especially keen eye since it will be to its advantage if the two do not form an alliance again. It has already made an offer of support to the Sena (the two parties share a closer relationship than the Congress does with the BJP), and with its 31 corporators in Mumbai the Congress can make a significant difference to the Sena.

It would also be logical for the Thackeray cousins to patch up and regroup. Although this would not have any immediate gains since the MNS only has seven seats in Mumbai, it would certainly bolster the Sena in the long run because its traditional vote will no longer be fractured.

The NCP, largely a lame horse in this election, is also watching the proceedings. NCP chief Sharad Pawar said before the election that he believed there was a possibility of the Sena pulling out of the alliance with the BJP at the State level after the elections. He said that if that happened the NCP would not support any party but would be ready for midterm elections. (The Maharashtra Assembly has 288 members: BJP 122, Sena 63, the Congress 42, the NCP 41, independents seven and other parties 13.)

At the centre of this unusually interesting election are Uddhav Thackeray and Fadnavis. Both leaders are trying to consolidate their authority and position. Uddhav has

struggled against his own reluctance to enter politics and with trying to live up to being his father's son. Fadnavis has had to fight off the image of being a puppet manipulated by Prime Minister Narendra Modi. The outcome of this election has helped both, and they are expressing their victory in characteristic styles. Uddhav is preening about how his party has held Mumbai. And Fadnavis is being the obedient *pracharak* and crediting the victory to the BJP leadership in New Delhi. Fadnavis has, however, one advantage: he has less to prove to his electorate and has the backing of the Centre. Uddhav has as yet to make a crucial decision: to be like his aggressive father and make a grandiose move like withdrawing support to the Fadnavis government, or develop his own style of politicking and continue in government without losing face.

With all eyes on the winners, it would be easy to miss the losers, except that in this case it is the country's oldest party. The Congress has slipped so far and so rapidly in Maharashtra that it is fast becoming inconsequential. Its strongholds of Solapur, Sangli and Latur have slipped from its grasp; it has lost its hold over the rural areas too. In Solapur, the hometown of former Chief Minister Sushil Kumar Shinde, the party won only 14 of the 102 seats despite the flag being carried by Shinde's daughter. Even Asaduddin Owaisi's Hyderabad-based All India Majlis-e-Ittehadul Muslimeen (AIMIM), a relative newbie in Maharashtra politics, did well and made a successful debut in Mumbai. The rout of the Congress leaves Muslims with few options, and the AIMIM will gain from this.

Will the close fight between the Sena and the BJP in the civic elections have any implications for their continuing relationship at the State level? There is the possibility that the Sena, flush with its success in Mumbai, may try and flex its muscles. If this happens, it is equally likely that the BJP will stand firm and may even dictate terms. It can, after all, afford to do so since it has been the biggest winner in this election. □

Tragedy and farce

In an action-filled fortnight, the Supreme Court sends V.K. Sasikala to prison but her family takes control of the ruling party in Tamil Nadu and her Chief Minister wins a trust vote in a riotous environment.

More fireworks are on the cards. BY ILANGOVAN RAJASEKARAN

THE first hint of trouble in the special session of the Tamil Nadu Assembly convened on February 18 for Chief Minister Edappadi K. Palaniswami of the All India Anna Dravida Munnetra Kazhagam (AIADMK) to prove his majority came in a statement from the opposition Dravida

Munnetra Kazhagam (DMK) just a few hours before the voting. The DMK, which has 89 MLAs in the 234-member House (233 after Jayalalithaa's death), urged Speaker P. Dhanapal to go in for "secret voting" since "the situation today is politically atypical". It justified its demand

by saying that the AIADMK was split in two, with caretaker Chief Minister O. Panneerselvam and 10 MLAs rebelling against party general secretary V.K. Sasikala and the latter "detaining" the remaining 122 MLAs of that party in a beachfront resort at Koovathur, some 70 kilometres from



V.K. SASIKALA, O. Panneerselvam and Edappadi K. Palaniswami at a meeting at the AIADMK headquarters in Chennai on February 5.

B. JOTHI RAMALINGAM

Chennai, for more than a week. It termed this practice “undemocratic and unconstitutional”.

“The situation today is extraordinary, with both factions accusing each other of horse-trading, and hence secret voting alone will ensure justice,” DMK working president M.K. Stalin said. The Panneerselvam faction, which had been demanding this since the announcement on the trust vote was made, also felt it might be beneficial to it if fence sitters in the Sasikala camp voted according to “their conscience and as per people’s wishes”. The DMK and the Panneerselvam group accused Sasikala of holding the MLAs “hostage” in the private resort (story on page 27).

The vote of confidence was necessitated by the swearing-in of a new government, headed by Palaniswami, who was propped up by the Sasikala group following her failed bid to make it to the Chief Minister’s post. Panneerselvam had resigned as Chief Minister to make way for Sasikala after she had been elected AIADMK legislature party leader earlier (on February 5). It was Chief Minister Jayalalithaa’s death on December 5 in hospital (*Frontline*, January 6) that resulted in Panneerselvam being sworn in as Chief Minister later that night itself.

However, on February 7 night, after a highly dramatised 40-minute visit to the Jayalalithaa memorial on the Marina beach, he raised the banner of revolt against Sasikala, accusing her and her family members of “insulting and intimidating” him. The very next morning Sasikala packed off her MLAs to the beach resort and a stand-off ensued between the two groups until February 18, the day Palaniswami won the trust vote in the Assembly.

Sasikala’s plan to become Chief Minister was thwarted by the February 14 Supreme Court verdict in the disproportionate assets case, which upheld the order of the trial court in Karnataka which had convicted and sentenced her and two of her relatives to four years’ imprisonment (story on page 40). To counter Panneerselvam’s revolt, Palaniswami was elected legislature party leader

on Sasikala’s instructions on February 14 and sworn in two days later as Chief Minister by Governor-in-charge Ch. Vidyasagar Rao, who gave him 15 days to prove his majority. But Palaniswami chose to seek a vote of confidence on February 18 itself.

After all, with the DMK making it clear that it would vote against the government and the Panneerselvam camp waiting anxiously on the sidelines, Palaniswami could not afford to lose any more MLAs. That the MLAs continued to stay in the resort even after he formed the government had created for him a difficult situation and, more than that, an embarrassment of sorts. Reports claimed that each Minister had been assigned the task of escorting four or five of these MLAs to the Assembly on the day of the trust vote directly from the resort and through Gate No. 10, not the main entrance, of St. George’s Fort, where the Assembly hall is located, in order to avoid the waiting media.

The Congress, a strong ally of the DMK and which has eight MLAs, got directions from the party high command, just two hours prior to the trust vote, that they should toe the DMK line of demanding a secret ballot. Besides Panneerselvam, MLAs from his camp S. Semmalai and former Minister K. Pandiarajan, Congress Legislature Party leader K.R. Ramasamy, the lone Indian Union Muslim League (IUML) member K.A.M. Muhammed Abubacker, and AIADMK MLA from Mylapore R. Nataraj, who supported Panneerselvam at the behest of voters in his constituency, spoke in favour of a secret ballot, saying that an extraordinary situation prevailed in the State.

PANDEMONIUM IN HOUSE

But the Speaker refused to yield to the demand and said there was no provision for a secret ballot in the Assembly rules and instead asked for a division, an open voting practice in which the MLAs were made to sit in blocs and stand up to be manually counted on the basis of their choice. He said that he had powers under Assembly Rule 19(1) to do so and

asked the MLAs to vote without fear. But the opposition members knew it for what it was—an empty promise. The 11 MLAs of the Panneerselvam faction were allotted seats among the AIADMK members though party general secretary Sasikala had expelled both Panneerselvam and Pandiarajan from the party.

As soon as the Assembly convened, the DMK members insisted on secret voting and when the Speaker did not agree, gheraoed him, broke a table, pulled out his mike and shoved and pulled him and even occupied his chair, for which Stalin later expressed regret to the Speaker, castigated his MLAs, and asked them to maintain dignity and decorum. Stalin, however, went on to say that “undue focus” on such incidents would only cloud the serious issue the Speaker should have handled with diligence. The DMK claimed that a “selective leak of an edited video clipping” on the ruckus in the Assembly was made to defame the party. However, other political parties, including the AIADMK (Sasikala faction), called it “an assault on democracy” by the DMK legislators.

Marshals escorted the Speaker out of the Assembly hall after he adjourned the House up to 1 p.m. When the House met again, he told the Assembly that he had been humiliated. “My shirt was torn and I was humiliated because I hailed from an oppressed and disadvantaged social group. It was Amma [referring to Jayalalithaa] who gave me this exalted position,” he said. (He belongs to the Arundhathiyar community, a Scheduled Caste.) Then he ordered the eviction of all the 88 DMK members (DMK chief M. Karunanidhi was absent owing to illness).

A posse of marshals, among whom were a few senior Indian Police Service and other police officers masquerading as marshals, entered the House and physically lifted each and every DMK member out of the House. Congress members and the lone IUML member walked out in protest. The Speaker adjourned the House until 3 p.m. And with no member in the opposition benches when the House resumed after 3



R. K. NAGAR/PTI

PANNEERSELVAM being welcomed at a function to commemorate Jayalalithaa's 69th birth anniversary at R.K. Nagar in Chennai on February 24.

p.m., the Speaker asked Palaniswami to move the motion. After going through the process of open division voting, he declared that Palaniswami had won the trust vote 122 to 11 and adjourned the House *sine die*.

Earlier, Stalin told the House that the police had forced him and the party's deputy leader, S. Duraimurugan, to walk to Fort St. George from the War Memorial, a distance of two kilometres, under the scorching sun, as their cars were stopped from going any further. He said it was a breach of privilege. He also said the police entered the House and beat DMK MLAs before evicting them. Panneerselvam insisted that the confidence vote should be taken up again at a later date after the MLAs who were detained in the Koovalthur resort returned to their constituencies to interact with the people and party cadre. He said that

the mood of the people was "against Sasikala and her cronies".

The DMK's J. Anbazhagan criticised the urgency with which the confidence vote process was conducted and said that a "benami" government of Sasikala was trying to grab power. After winning the confidence motion, Palaniswami told the media that the "vow taken by our party's general secretary Sasikala [at the Jayalalithaa memorial before going to prison in Karnataka] has been fulfilled". Panneerselvam claimed that "Adharma has won and dharma has been temporarily eclipsed".

(The disturbances in the House were a cause for concern but could not be described as "unprecedented violence" as a section of the media described them. The last time Tamil Nadu witnessed a floor test was in 1988 and involved AIADMK factions led by Chief Minister V.N. Janaki,

party founder M.G. Ramachandran's (MGR) widow, and Jayalalithaa. On January 28, 1988, the Assembly, in fact, witnessed unprecedented violence when members were voting on the confidence motion moved by Janaki. MLAs who supported Jayalalithaa (33) and Janaki (97) exchanged blows, threw aerated water bottles and indulged in other forms of violence. Outsiders barged in and scores of lawmakers sustained bleeding injuries. The then Speaker declared that Janaki had won the vote of confidence, though after two days, the government was dismissed by Governor S.L. Khurana and President's Rule was imposed. The DMK, with 20 MLAs, kept away.)

DEMAND TO 'NULLIFY' TRUST VOTE

Immediately after the ruckus in the Assembly, the DMK members, led by Stalin, met the Governor and asked him to "nullify" the vote of confidence so as to "protect the spirit of democracy and the Constitution". While returning from Raj Bhavan, Stalin sprang a surprise by staging a dharna near the Gandhi statue on the Marina, calling it "a black day for democracy". The police arrested him and others and released them later in the evening. The DMK organised a State-wide hunger strike on February 22 and also took the issue to the Madras High Court.

Stalin later told the media that the Speaker had ignored their pleas for secret ballot and had not taken into account the procedural lapses. A DMK MLA pointed out that the confidence motion was moved twice on the floor of the Assembly. "Once the first motion lapsed since the House was repeatedly adjourned, the second one could be moved only after proper announcement and also after a specific time frame. On the same day, Palaniswami moved the motion twice, which is against the rules of the House," he said. He further said that the confidence motion that was upheld in 1988 was declared void by the then Governor since the two factions of the ruling party alone were present in the House at the time of voting.

Rarely have the people of Tamil Nadu had to face such a series of sudden changes in the ruling party as in the past few months—from the shock over the demise of Chief Minister Jayalalithaa to the seething anger over the Sasikala family taking over the reins of the party. With the infighting becoming intense, the mood turned ugly, leaving cadres and the general public, who had given its mandate to the AIADMK for the second consecutive time in the 2016 elections, in despair. “The veil of secrecy that surrounds Jayalalithaa’s death, they say, disturbs them. Besides, Sasikala and her extended family’s continuing stay in Veda Nilayam, the residence of Jayalalithaa, also makes them uneasy,” said a senior party functionary in the Panneerselvam camp.

PANNEERSELVAM’S MAKEOVER

The cadres and the public at large had no illusions about Panneerselvam until he underwent a sudden image makeover as a “good guy” from that of a minion within the party in the not-too-distant past. Party cadres sincerely believed that Jayalalithaa had chosen him as her political heir. They supported him when he as Chief Minister declared that an inquiry commission would be constituted to probe the death of Jayalalithaa and announced that Veda Nilayam would be made a memorial for her.

The cadres also saw Palaniswami as a “Sasikala proxy” and believed that he would not dare violate her brief. “In fact, the brutal hold of Sasikala and her family over the party and the government in the State is a dangerous phenomenon, especially in the absence of leaders of tall stature,” said Prof. Ramu Manivannan of the Department of Political Science and Public Administration, University of Madras. “Today’s Tamil Nadu government is nothing but a franchisee of the Sasikala family,” he said.

It is true that the fast-paced political developments have caught even seasoned politicians and political observers off guard. This chaotic political environment, however, did not deter or discourage Sasikala and

her cohorts from taking over the party despite the Supreme Court convicting her along with two of her relatives in the disproportionate assets case and getting her lodged in a Bengaluru prison.

Panneerselvam for her is canker in a rose. She believes that it was he who put paid to her chief ministerial aspirations for which she stayed behind Jayalalithaa for more than three decades with astounding perseverance. Hence, when she was about to realise her goal, the unlikely rebel played spoilsport. The delay by the Governor to invite her to form the government also came in the way of her aspirations. The Supreme Court verdict sealed her dreams.

For her, Panneerselvam is a traitor today and hence has to be politically obliterated. In fact, all her speeches and actions later showed how seriously she viewed the revolt of Panneerselvam. Before leaving for

the Bengaluru prison to serve her four-year term of imprisonment, she made some swift moves such as getting Palaniswami, the current loyalist of the Mannargudi clan (as her family is popularly known), elected the party’s legislature party leader. “She could not be Chief Minister even for a single day. When you are not able to achieve what you wanted, you should not allow your rival to get what he wished. Sasikala did exactly that,” said Ramu Manivannan.

Even with Palaniswami she appeared to be ill at ease and insecure. Highly placed sources told *Frontline* that, in fact, the Mannargudi clan had preferred senior leader K.A. Sengottaiyan initially. “But since he refused to take up the assignment, it came to Palaniswami,” the source claimed. Panneerselvam’s “betrayal” had taught her to be extra vigilant in the minefield of Dravidian politics. Hence she took T.T.V. Dinakaran,



DEEPA JAYAKUMAR, Jayalalithaa’s niece, at the launch of her political outfit, MGR Amma Deepa Peravai, in Chennai on February 24.

R. SENTHIL KUMAR/PTI

her nephew, back into the party and appointed him the party's deputy general secretary, a post that had remained vacant during Jayalalithaa's reign. She bolstered it by readmitting another of her nephews, Dr S. Venkatesh, to keep a watch over any suspicious development both within the party and in the government.

"These two will act as the monitoring agencies of all in the party and in the government in her absence," Ramu Manivannan pointed out. They, along with Sasikala, were expelled from the party by Jayalalithaa in 2011. Sasikala wrote a letter of apology and was later readmitted into Poes Garden.

MLAS AT THE RESORT

It was her idea, a party insider told *Frontline*, to herd the MLAs to the beach resort to keep them from "being poached" since many of the lawmakers were found to be "oscillating and vulnerable to the call of their conscience". A string of phone calls from cadres and people of their respective constituencies had urged these MLAs to reject Sasikala's leadership. Hence, they had their mobile phones confiscated. Realising that the dice was heavily loaded against her, Sasikala chose to stay at the resort for two days and interact with the MLAs, making them swear on Jayalalithaa's portrait that they would remain loyal to her.

On complaints that MLAs were detained, a police team led by the Inspector General of Police (North Zone), N. Senthamarai Kannan, went to the resort to hold discussions with Sasikala, Ministers and MLAs. What transpired there remains unclear, with the police claiming that the MLAs were staying of their own volition. The police too went a step beyond their brief, clamping Section 144 of the Code of Criminal Procedure (empowering a magistrate to prohibit an assembly of more than four people in an area) in and around the resort though the media and political observers claimed that it was imposed mainly to keep journalists and the general public away from the resort, a blatant abuse of the law.

However, Madurai (South) MLA

S.S. Saravanan escaped on February 13 in disguise while all others had decided to stay in the resort until the Governor invited Palaniswami to form the government. Saravanan alleged that the party MLAs "were being detained" at the resort and said he was insulted and humiliated physically and mentally during his five-day stay at Koovathur. He filed a "kidnap" case (February 15) against Sasikala at the Koovathur police station. The police had no other option but to register cases against her under various sections of the Indian Penal Code (IPC) with regard to abduction and wrongful confinement.

Before leaving for Bengaluru, Sasikala expelled a few leaders, including the party's presidium chairman, E. Madhusudhanan, besides Panneerselvam and former Minister Pandiarajan from the party for revolting against her. The rival camp in turn expelled her and a few of her people from the party's primary membership. She, however, strategically chose not to expel the other nine MLAs and MPs of the Panneerselvam camp. A senior politician said that it was a wise move. "She was hopeful of wooing these MLAs back to her flock once Palaniswami won the trust vote." T.T.V. Dinakaran, the deputy general secretary of the party, also invited them to rejoin the parent party.

The government is surviving on the strength of 122 MLAs in the House of 234, just five more than the required number of 117 for a majority. The opposition is lurking around the corner. Hence a summary expulsion would be an ill-advised move is what she thinks. The AIADMK is the third largest party in Parliament today.

The election of Palaniswami as the legislature party leader, the herding of MLAs to the resort, the clever floor management in the Assembly on the day of the trust vote, all point to the fact that Sasikala is not inferior to any seasoned politician of today in political manoeuvring. She must have been adept at such shrewd manoeuvres even during Jayalalithaa's regime. It has become clear now that it was she who had deftly operated from behind as an extraconstitution-

al authority. Whether she inherited the political acumen from her Akka (sister), as she called Jayalalithaa, or whether she guided Jayalalithaa from behind is to be studied and analysed further. A veteran Left leader had once said that it was she who was involved in the seat-sharing talks with leaders of allies during elections, and not her leader. In the current political manoeuvres, some suspect even the role of her husband, M. Natarajan.

Her deep resentment against the people and circumstances that thwarted her political ambitions was evident when she hit the grave of Jayalalithaa three times, muttering something that seemed like a vow, in full glare of the media. "I have seen many Panneerselvams," she said at the site after issuing a warning that she would not tolerate dissent anymore. The Panneerselvam camp was stunned by her behaviour and the pace with which she moved ahead pulling surprise after surprise. She saw to it that the party remained under her thumb. The disgruntled elements were given many promises and posts. Reluctant senior politicians like Sengottaiyan were made to fall in line. And her takeover of the party was total.

Thus, Panneerselvam and his men, despite receiving popular support from across the State, could not garner support from an adequate number of MLAs. An overwhelming majority of them chose to throw in their lot with Sasikala for obvious reasons. "The government has four more years of power in the State. Can anyone fritter away the benefits that could accrue from power?" asked Ramu Manivannan. Panneerselvam and his men were crestfallen and their confidence hit an abysmal low at the course of events. The initial euphoria had evaporated.

"True. We have lost the first round in the battle. Now we have adequate time to redraw our strategies. First and foremost in our agenda is to take steps to put in place a strong legal and organisational mechanism to chart our future course of action," said a former MLA, who is now in the Panneerselvam



ILANGO VAN RAJASEKARAN

AIADMK DEPUTY GENERAL SECRETARY T.T.V. Dinakaran and Sasikala on a poster in Chennai.

camp. It remains to be seen whether the group can challenge Sasikala and her people on the one hand and the DMK on the other before establishing a political identity of its own. As a first move, the Panneerselvam camp has taken the issue of Sasikala's election as the party general secretary to the Election Commission of India, which has issued a notice to her seeking explanation.

Panneerselvam has yet another unenviable task before him. He has to convince those few in his camp, who might be having second thoughts about their wisdom in leaving the Sasikala camp. "Panneerselvam, a suave and composed loyalist of Jayalalithaa, is not an MGR, who was the darling of the masses. MGR's fan clubs helped him enormously to counter the might of the Karunanidhi-led DMK. The State will soon go in for elections to the local bodies. It is an opportunity for Panneerselvam to mobilise popular support. Patience and perseverance, along with political acumen, are what Panneerselvam needs now to be moulded into a leader of people's choice," said Ravikumar, former MLA and senior leader of the Viduthala Chiruthaigal Katchi.

That the AIADMK is obviously intact, with Sasikala in the lead is an indisputable fact. But the Panneerselvam camp has sought to soften the blow it received by promising the people that "everything will change for the better". The battle to retrieve "Amma's party" from the clutches of

a family, Panneerselvam announced, would begin shortly from amid the people. He would undertake a tour to meet the people "at their doorsteps". He is a favoured man on the ground today. The people and the grassroots cadre are angry at Sasikala and her MLAs. Many of the MLAs who voted for Palaniswami have apparently sought police protection while a few others are reluctant to go to their constituencies, fearing people's wrath.

Panneerselvam adopted the age-old practice of "my enemy's enemy is my friend" by joining hands with Deepa Jayakumar, the niece of Jayalalithaa, who has been fighting Sasikala and her family since the death of her aunt. Panneerselvam looked serious about his mission—to dislodge the Sasikala family from the party. Both had initially decided to chalk out a joint plan to reclaim the AIADMK. But on February 24, Jayalalithaa's 69th birth anniversary, Deepa surprisingly chose to tread her own path, disowning Panneerselvam. She announced that she did not wish to join any faction of the AIADMK and that she would rather strive to restore "Amma's" legacy on her own. To achieve this end, she formed the MGR Amma Deepa Peravai.

Panneerselvam did not react to it. Participating at a commemorative function in Chennai, he said it was her choice though he had wished to work in tandem with her to retrieve the party from the clutches of one

family. He also insisted that the cadres were with him. He pointed out that as Chief Minister he had initiated the processes to constitute an inquiry commission to probe Jayalalithaa's death. "The present government has the moral responsibility to continue the process," he said in a press conference.

If there is no ceasefire between the two warring groups, much fireworks are to be expected in Tamil Nadu politics soon. Palaniswami began his tenure as Chief Minister with a few promises, which Jayalalithaa had made during her election campaign but have little to do with the problems facing the State—serious drought, farmers' deaths, acute drinking water scarcity, and mounting debt. The Chief Minister said that he announced these schemes with blessings from "Amma and Chinnamma".

"It is a government run by those who combined politics, money and muscle power after harvesting the voters' mandate. Now the people have not been involved. The leadership is in no way representing the people's aspirations. A sense of direction and clarity of purpose are lacking," said Ramu Manivannan.

That Sasikala is not too comfortable is evident from Dinakaran's jarring presence in almost all important occasions. He could be seen prominently beside Palaniswami when the latter met the Governor after winning the trust vote. The next day, he dashed to Bengaluru to see his aunt. "The Tamil Nadu government is functioning on instructions from the Bengaluru prison," said Stalin. He met President Pranab Mukherjee to seek his intervention in the matter.

The DMK has no regrets about its floor performance in the Assembly. It attempted to convey a strong message, notwithstanding the criticism it received for those unsavoury incidents, that it would be the party in the State to take head on "Sasikala and her cohorts who have usurped the AIADMK".

It has served notice for a no-confidence motion against the Speaker, promising more political fireworks in the days to come. □

Last resort

From being herded into a resort at Koovathur to gathering at Fort St. George, the seat of power in Tamil Nadu, for the confidence vote in the Assembly, **AIADMK MLAs dutifully followed party general secretary V.K. Sasikala's plan of action.** BY **R.K. RADHAKRISHNAN**



R. RAGU

A LITTLE after 9 p.m. on February 7, an All India Anna Dravida Munnetra Kazhagam (AIADMK) functionary, known for his skills at organising anything at short notice and who was in the good books of party general secretary V.K. Sasikala, received a phone call from “The Garden”. The caller summoned the functionary to the Poes Garden residence of former Chief Minister Jayalalithaa. He reached the house 12 minutes later; by then, a few other party se-

EDAPPADI K. PALANISWAMI and other MLAs leaving the Golden Bay Resorts at Koovathur near Chennai on February 14.

nors had also arrived. Much before the then Chief Minister O. Panneerselvam (OPS), broke his silence at 9:40 p.m. at the Jayalalithaa memorial on the Marina beach in Chennai, Sasikala told her trusted men in a voice filled with rage that he had broken ranks, and she even took recourse to some choicest expletives. It is not as if the Sasikala camp had not

expected this eventuality. Going by accounts from at least three different sources, it appears that Sasikala was aware that Panneerselvam would “do something”, but was not sure when.

“He was not trusted in The Garden for some time [by Sasikala],” said a leader. “This has to do with the manner in which he was conducting

himself in the past few months,” he added. This part is also corroborated by people close to OPS and has been recorded in an earlier issue of *Frontline*.

The Sasikala faction had another factor in mind. In the event of a conviction in the disproportionate assets (D.A.) case (which was expected in a week from February 7), it would be at a disadvantage with OPS as Chief Minister. “Once he was not deemed trustworthy, his fate was sealed,” said a leader, who was part of the inner circle. Hence began the campaign on the dual power centres and the chorus to make her Chief Minister. The faction somehow wanted OPS out of the seat so that Sasikala, in the event of the D.A. case verdict going against her, could anoint another pliable person as Chief Minister. At that time, the names doing the rounds were those of K.A. Sengottaiyan and Dindigul Srinivasan. Edappadi K. Palaniswami, a Sasikala loyalist, was

not in the reckoning because he was considered a junior and had spent some time earlier in his career as an understudy to Sengottaiyan.

On the evening of February 7, the leaders had their tasks cut out. They had to make sure that the party remained united behind Sasikala; they had to talk to the district secretaries, Members of the Legislative Assembly and Members of Parliament, and take appropriate action where there was a problem of compliance. The first priority, Sasikala had told them, was to make sure that the MLAs remained with them.

SCRAMBLE TO REACH MLAs

Even as OPS meditated at the Jayalithaa memorial looking for deliverance, the Sasikala camp was at work. Phone calls flew thick and fast. The message was clear and simple: get to the party office. Most of the MLAs were still in Chennai since they were expecting Sasikala to be sworn in as

Chief Minister any day. The fact that Tamil Nadu’s Acting Governor, Ch. Vidyasagar Rao, had neither given a message nor indicated a day when he would come to Chennai meant that they had to remain in Chennai to get a clear date before they could go back to their constituencies.

By the time OPS opened his eyes and cleared the tears off his cheeks at 9:35 p.m., more than 100 MLAs and most of the party seniors had been contacted and briefed about what was going to unfold. They watched the show unfold live on television. “Actually, many of us were horrified,” claimed one MLA. “We did not believe that this was happening in our party,” he said.

The leaders and many of the MLAs had reached the party office by the time OPS finished his speech. The leaders immediately addressed the group of MLAs. It was an unstructured meeting, and everyone was given an opportunity to speak. It

MLAs in zenana

INDIA’S hyperactive Supreme Court, oppressed by rising arrears, has time for burning issues such as the national anthem. But it has turned a Nelson’s eye to an outrage on the Constitution which warrants a *suo motu* notice. It must be ended, for it is now over 30 years since N.T. Rama Rao took his flock of seven Members of the Andhra Pradesh Legislative Assembly on a protected picnic to Karnataka, courtesy Ramakrishna Hegde. Sasikala followed this hallowed precedent when she took her MLAs to a luxurious resort miles away from Chennai.

The reason was not to give the flock a treat by having them graze on rich pastures. It was to protect them from seduction, very much like possessive husbands did to their wives and mistresses in former times. Like them, the MLAs swear loyalty to the master. But the reality of forced incarceration is apparent to anyone who cares to see.

It is an issue of great constitutional importance, for it touches the very core of our democracy. First, why the retreat now, just when the political situation spurns MLA trading? I refrain from calling it horse-trading out of love for horses who, like dogs, are loyal to the master without any thought for a bribe.

Secondly, a legislator—whether a Member of Parliament or a State Legislative Assembly or even a municipal corporator—betrays his electors when he makes himself inaccessible to them. Thirdly, it is a gross breach of parliamentary privilege to keep an MP or an MLA incommunicado by denying his voters and the media free access to him by imposing curbs on visitors. Our legislators cry “breach of privilege” at the drop of a hat. No prizes are awarded to those who guess why they submit to this breach and to the humiliation. In such a situation of enforced incarceration, the man is not free to communicate with his

voters, partymen, the media and the government. For all practical purposes he/she becomes *non ess*.

Is this not a matter in which the Supreme Court should intervene, hear the parties, even record their false excuses—and denounce it? The very timing of the location *en masse* and the nature of the restraints raise legitimate suspicions, which are for the offenders to rebut.

Is there *any*—repeat any—other democracy in the entire wide world which has suffered such an obscenity? India has done so meekly for decades. The Supreme Court must not ignore it even though the event is over. The law provides for a period of calm between electioneering and voting and between the filing of a consent to divorce by the spouses and the final order. How free, pray, can a voter in the Assembly possibly be if the MLAs are shepherded from the protection of the retreat straight to the Assembly House to cast their vote as desired by the party boss—the very purpose of their fully paid holiday in the resort?

is unclear how many used the opportunity though. But the message was clear: stick together or perish. The MLAs were told that much depended on them. Hence it was required to remain together. The deliberations went on late into the night with all senior leaders speaking to the MLAs in groups and later individually. The next morning, buses were arranged for the MLAs to go to the MLA Hostel to pick up their clothes and other necessities. They were told that they were being taken to a place to remain safe, outside the influence of the OPS group. Even if some of the MLAs wondered why this was done, they did not voice their concern.

The next day, the MLAs trooped back into the party office and waited for instructions. For some strange reason their transport from the party office to the place of safe-keeping was not happening. "We couldn't find a place," confessed a leader who was involved in the process of finding

a place for the safe-keeping of the MLAs. Finally, after a lot of searching, one "connection" clicked. The owner of Golden Bay Resorts at Koovalthur near Chennai agreed to host the MLAs. With his links, a second place of stay was also found some distance away. "No other place wanted to host us," the leader added.

Once in Koovalthur on February 8, the MLAs had a clearer picture of what was happening around them. They were informed of the developments taking place in the OPS camp. "The message conveyed to them was very clear. At no point was there any attempt to convey things that were not consistent with the truth of what was happening outside," said another leader, on condition of anonymity.

'YOU WANT TO FACE AN ELECTION?'

The one message that was repeated to the MLAs was simple: It is either going to be a Sasikala-led (or blessed) government or no government. The question posed to them was this: Do you want to go back and face an election? "You are all aware what will happen if we have to face an election now," an old-timer, who witnessed the 1988 turmoil, told them. "One, many of you will not get seats in the party. Second, the problems that have cropped up in the party will only aid a DMK [opposition Dravida Munnetra Kazhagam] victory. Now, it is up to you to decide what you want to do."

Not many of those who were part of the 2011-16 AIADMK team were given the party ticket for the 2016 Assembly elections. In fact, Jayalithaa had cleared the names of only 24 MLAs, including Ministers from the earlier regime. There are 46 first-time party MLAs in the current Assembly. A dissolution of the Assembly, merely nine months old, would mean that the MLAs would gain nothing, not even a pension.

The other angle that the Sasikala camp's leaders sought to project to the party's cadre and lower-rung leaders involved the Bharatiya Janata Party (BJP). They pointed to OPS' meeting with Prime Minister Narendra Modi twice, the unprecedented

act of a Chief Minister writing to the Prime Minister thanking him before laying down office, his sudden success in Hyderabad in getting Krishna water for Tamil Nadu, the timing of his "meditation", and the fact that the Governor did not invite Sasikala to form the government.

They pushed the view that OPS had struck a deal with Modi and that was why he met the latter twice in a short span of time. The success in Hyderabad, they told the MLAs, was because an influential BJP leader brokered the water deal. The clincher was the fact that the Governor was not around for four full days. Sasikala pointing fingers at the DMK was a red herring. AIADMK men were convinced that the entire OPS script was written in New Delhi.

Many political observers expected the AIADMK MLAs to desert the Sasikala camp after the Supreme Court's verdict on February 14. When this did not happen, many, including opposition political parties, claimed that the MLAs were being detained against their will. But a few MLAs this correspondent spoke to refuted this claim. "The claim that the doors to the rooms we were staying in were locked remotely is nonsense. Please go there and see for yourself," said an MLA.

The MLAs stayed two to a room, and the hotel was anything but a luxury resort. The door knob was of the press-and-lock variety, the kind that can be opened from outside with a sharp object. Also, the walls surrounding the resort were not very high—two different accounts put it at four feet—and hence if anyone wanted to leave the premises, he or she could have done without too much effort, claimed another MLA. "The fact is that we didn't want to leave," he added.

The MLAs were provided snacks from a popular restaurant chain in Chennai, picked up by a local MLA each day. The resort provided meals thrice each day. Those who needed alcohol had to send the few trusted hangers-on to buy it from outside; they consumed alcohol in their rooms and not in the open as some WhatsApp pictures had suggested.

It is surely time that the Supreme Court took notice of this outrage which it has hitherto ignored for over three decades and pronounced it to be improper and illegal. The disclaimers of the holiday-makers themselves testify to the duress, which correspondents have noticed. Apart from being a criminal offence, it should be held to be vitiating the election in the Assembly. This touches the very basics of our constitutional government. It is more important than ordering citizens to stand when the national anthem is played in cinema theatres. It is an order devoid of legal or constitutional sanction. The court has no jurisdiction to make it; it is a nullity in law. On the other hand, a pronouncement against the legislators' enforced holidays would not only be based on the jurisprudence of the parliamentary system but is a duty which the Constitution imposes on the Supreme Court of India.

A.G. Noorani

More than 20 packs of cards, handed over to them by one trusted leader, kept boredom away. A hall in the ground floor served as the dining room, while a hall on the upper floor was used for meetings. Sasikala addressed all the meetings in this hall.

HIGH COURT ORDER

On February 10, the Madras High Court ordered the police to inquire into the status of the MLAs held at Koovathur and another nearby resort. The police, led by north zone Inspector General Senthamarai Kannan, descended on the resort and checked it for about six hours. His team came a cropper. At the end of the six hours, the patience of the AIADMK leaders wore thin. They asked the police why they were still hanging around and asked them to vacate the premises. Not one MLA left with the police.

The Sasikala camp was also prepared for the eventuality of her conviction in the D.A. case. The smooth manner of the election of Palaniswami as the legislature party leader and the elevation of Sengottaiyan in the party point to the fact that the Sasikala camp had been looking a few steps ahead of the opposition camp. "We had everyone against us. But we were sure that we would win. That is what Amma has taught us," says a leader from a southern district, who lost the May 2016 Assembly elections but played a key role in the current crisis.

This is where the role of T.T.V. Dinakaran comes in. "Yes, he is part of the Chinnamma family. But look at us. Who else do we have to network in Delhi or for that matter to control the party in Chinnamma's absence?" asks a leader. He added that there was a lot of uneasiness over the sudden induction of Dinakaran and his elevation as party deputy general secretary. But AIADMK spokespersons have repeatedly defended this. "It is what is required at this point in time," Gokula Indira, former Minister, said. "Even Amma would have forgiven him shortly," claimed Thanga Tamilselvan, who rose to fame for vacating his Andipatti seat so that Jayalalithaa could

contest.

A few Sasikala camp supporters and MLAs who spoke to this correspondent on condition of anonymity did not dismiss people's resentment. "It is genuine. There's a story that Chinnamma was behind the death of Amma in the hospital. There's also this charge of family politics. Plus, the fact that all MLAs were in Koovathur for 10 days. All these are negatives and have been talked about by a lot of people," admitted a leader. But he believes that the negatives will not stay with the people forever.

However, it is not that simple as the Sasikala camp MLAs are discovering in their constituencies. On February 20, B. Sathyanarayanan, who represents T. Nagar, was in for a rude shock at the busy Jeeva Park. More than 30 morning walkers surrounded him and began questioning his decision to remain with Sasikala. Questions flew thick and fast, and the MLA found that no answer was good enough for those who were asking the questions. His refrain that the government wanted to fulfil Amma's vision was met with jeers, and he managed to extricate himself after a gruelling 30 minutes. All MLAs have since been provided with security, both for their MLA offices and for themselves.

The Deputy Speaker of the Assembly, V. Jayaraman, was welcomed with sarees and bangles when he reached his hometown, Pollachi.



His supporters said that this was the work of DMK men and not his voters. A.B. Sakthivel, who went back to his South Salem constituency, was surrounded by people of the town, demanding an explanation. Similar stories are coming in from parts of the State where the Sasikala camp MLAs have gone back to. It is not clear if the common people are solely involved in all these incidents, but it is a fact that there is huge revulsion for the Sasikala camp in the State.

Even non-MLAs are not being spared. AIADMK spokesperson C.R. Saraswathi and Gokula Indira claimed that they were receiving abusive calls. In fact, Saraswathi made it a point to lodge a formal complaint with the Police Commissioner's office.

With most of the technology-savvy AIADMK men switching sides to the OPS camp, the Sasikala camp lost the perception war even before it began. Central to this war is the fact that many in Tamil Nadu believe that Sasikala was responsible for the death of Jayalalithaa. This is being reinforced by the so-called "proof" appearing in social media and on obscure websites. Another problem is that Sasikala is seen as an usurper.

Technology was put to good use by Sasikala's opponents, but it is not clear who authored the whole process. A Sasikala camp MLA, sitting in front of me, telephoned me from his hand phone. "This is just to show that



M. KARUNAKARAN

AT THE entrance to Golden Bay Resorts.

I am using the phone number you are familiar with," he said. Then, using a fake caller app, he called me again from his phone. This time, the number that showed up on my phone was +1-4384-088-517. "See, this is what I am trying to tell you. I received over 5,000 calls from so-called voters on my phone. Some were abusive, while the others asked me to join the OPS camp. But can you see where these numbers are coming from?" he asked. Fake Caller App is allowed in India zone, a major anomaly, which the BJP-led Union government does not want to clamp down on.

While admitting that not all the call numbers might be fake numbers, another Sasikala loyalist drew attention to the fact that all the techno-savvy AIADMK men were in the OPS camp. Besides, the Sasikala camp had reliable information that an extraconstitutional authority of another dominant political party was actively lending his information technology prowess to aid the OPS campaign.

THE PALANISWAMI DOCTRINE

The Sasikala faction was looking at the future with hope, the loyalist said, and added that despite the severe setbacks, including the incarceration of Sasikala, it would not be prevented from functioning as the

ruling party in the State. That is why Palaniswami staked his claim to form the government.

Sure enough, on day one of his job, Palaniswami, who heads the most unpopular government ever in the State's history, brushed aside this minor detail and got down to business. He ordered the closure of 500 liquor stores against which people had given representations, announced the implementation of the 50 per cent grant scheme for working women who wanted to buy a two-wheeler, hiked the unemployment dole and the maternity allowance, and announced the construction of 5,000 houses for fishermen. The Palaniswami doctrine of governance is what the AIADMK's new boss, Dinakaran, has given him.

Dinakaran, who was thrown out of the party in 2011 by Jayalalithaa and was readmitted on the eve of Sasikala's trip to the Bengaluru jail, believes that people will accept the new government if it provides efficient and clean administration. He has made it clear that he will be closely scrutinising all Ministers and activities of the government. People's memory, the argument goes, is short, and they will accept the AIADMK version 3.0. After all, it was the same people who elected six AIADMK MLAs in Chennai city, barely six months after the devastating floods which claimed over 400 lives. Clearly, the AIADMK is banking on the people-forget-everything logic.

Though Sasikala's faction is now in control, the sudden decision of Jayalalithaa's nephew, Deepak, to speak against Dinakaran's elevation in the party as deputy general secretary points to the new fault lines that are emerging in the AIADMK. Deepak was close to some of Sasikala's relatives, and this possibly has something to do with his claim that Dinakaran was not acceptable to the party, one insider said.

Most members of Sasikala's extended family are deeply unhappy that they had been left in the lurch, and hence the problems, said a Sasikala camp senior. He pointed to the manner in which Sasikala's husband, M. Natarajan, was treated at the Pa-

rappana Agrahara court complex to drive home his point. Though Sasikala realised that her husband was there in the courtroom, she did not have a conversation with him, one important party man, who was in the courtroom, said.

As Sasikala was walking towards the women's jail, Natarajan was seen walking behind her for a few paces. He was stopped by the policemen on duty. The AIADMK senior said that Sasikala wanted to avoid all talk of the AIADMK becoming a party run by her family. "I wouldn't be surprised if she soon writes a letter asking partymen not to have any truck with any member of her family," he added.

Even as the AIADMK anxiously tries to push the events of February 18, the day of the trust vote in the Legislative Assembly, into the background, many questions keep popping up. Going by all accounts in Tamil Nadu, including at least one independent survey, Sasikala's takeover of the party and the swearing-in of Palaniswami as the Chief Minister were hugely unpopular moves. The most popular person for the post of Chief Minister now is OPS. The fact that Sasikala has the support of MLAs and OPS that of the people is reflected across the State as MLAs begin going back to their constituencies.

It is obvious that the framers of the Constitution did not foresee this eventuality. The AIADMK had become so identified with its leader Jayalalithaa that she was the party's lone star campaigner in the May 2016 elections. The mandate was for Jayalalithaa's AIADMK, but there is no provision to go back to the people if the leader is no more. Also, the MLAs were inaccessible to the people for more than 10 days as the trust vote process was being worked out.

Despite the Palaniswami government having the numbers, the moral authority of the government will be called into question as long as it lasts. For now, even if any of the 122 MLAs switch sides owing to moral or material pressures, the Sasikala camp is confident of gaining MLAs from the opposition. □

Vote under a cloud

The power to choose the method of floor test lies with the Speaker. However, issues such as the confinement of AIADMK MLAs in the days prior to the floor test and the eviction of DMK members may justify judicial intervention. BY V. VENKATESAN

WHENEVER a government at the Centre or in a State appears to lose its majority in the Lok Sabha or the State Assembly, it comes under pressure to prove its majority on the floor of the House through a motion of confidence. A hung verdict in an election may also lead to demands that the government that is to be sworn in should seek a vote of confidence from the House at the earliest.

Motions to seek a vote of confidence have had a long history since Independence. The first vote of confidence in the legislative history of post-Independence India was taken up in 1952 in the then Madras Legislative Assembly. The then Chief Minister, C. Rajagopalachari, moved and won a confidence motion after a marathon debate spread over four days in which 71 members had taken part.

A study has shown that 99 confidence motions were admitted and discussed in various State Assemblies between 1952 and 2003. The number of confidence motions moved in the Assemblies must have only gone up since then.

In 1979, for the first time in Lok Sabha's history, President Neelam Sanjeeva Reddy asked Prime Minister Charan Singh to seek a vote of confidence. Charan Singh tabled the motion but resigned before it could be taken up. Since then, 10 motions have been moved by successive Prime Ministers to seek the confidence of the Lok Sabha, including

the last one which was won by Prime Minister Manmohan Singh in July 2008 following the withdrawal of support by the Left parties over India's nuclear energy deal with the United States.

ANTI-DEFECTION ACT

Motions to secure a confidence vote were won or lost by the governments seeking them depending on the numerical strength of the parties supporting them in the House. The Anti-Defection Act enacted in 1985 by Parliament introduced an additional element of uncertainty to this. Legislature parties issue whips or directions to their members to vote or oppose the confidence motions. If

any member violates the direction, he or she is likely to be disqualified as a member of the House. Until 2003, if the number of such dissenting members was more than one-third of the strength of the legislative party, it was considered a split in the party.

In 2003, the Act was amended by Parliament to delete the provision for splits. But the provision permitting merger of one faction of a party with another party remained. If the strength of the faction violating the whip is two-thirds of the legislature party, the Act permits merger of that faction with another party.

The Speaker, or the presiding officer of the House, has all the powers under the Act to decide matters of disqualification, although the decisions can be challenged in a court of law. Cross-voting during the confidence motion, and disqualification on the grounds of violation of directions by the party's whips in the House, thus made the results of the voting on the confidence motion vulnerable to future challenges.

In any event, inordinate delay in concluding the legal proceedings in a court of law makes such challenges infructuous if the term of the Assembly or the Lok Sabha comes to an end in the meantime.

COLLECTIVE RESPONSIBILITY

The obligation to seek a confidence vote emanates from Article 75(3), which mandates that, the "Council of Ministers shall be collectively re-



THE SUPREME COURT

summoned a special session of the Uttar Pradesh Assembly on February 26, 1998, with the sole agenda of holding a composite floor test to see which of the two claimants to chief ministership, Jagdambika Pal (left) and Kalyan Singh, had a majority.

sponsible to the House of the People". Article 164(2) imposes a similar requirement on the State Council of Ministers to the Legislative Assemblies.

The concept of "collective responsibility" is central to the parliamentary form of government, which was declared as a part of the basic structure of the Indian Constitution by the Supreme Court in the Kesavananda Bharati case in 1973.

The term "collective responsibility" has two dimensions: first, the Council of Ministers should act "collectively" by presenting a united front to Parliament or the State Assembly in defence of its policies and actions and the Council of Ministers should be "responsible" by securing the confidence of the House of the people.

Second, the concept of "collective responsibility" does not mean that the political party forming the government must necessarily have a majority in the legislature; rather, it should have the confidence of the House. This is a subtle but significant distinction. As the Supreme Court pointed out in *S.R. Bommai vs Union of India* (1994), "minority governments are not unknown. What is necessary is that the government should enjoy the confidence of the House."

The P.V. Narasimha Rao government at the Centre in 1991 was a minority government, yet, it moved and won a confidence motion in the Lok Sabha in compliance with President R. Venkataraman's advice.

The Supreme Court asserted in the Bommai case that "whether the Council of Ministers has lost the confidence of the House is not a matter to be decided by the Governor or for that matter anywhere else except on the floor of the House".

A no-confidence motion is presented by the opposition and is governed by the Rules of Procedure and Conduct of Business of the House. It can only be presented if the Speaker is of the opinion that the motion is in order.

Deferring a constitutional obligation of the government to seek the confidence of the House until a no-



PTI

THE SUPREME Court-directed session did not take place on March 11, 2005, as Shibu Soren (right) resigned without facing the floor test. Arjun Munda, who was sworn in as Chief Minister, won the vote of confidence subsequently.

confidence motion is presented would undermine the constitutional scheme by subjugating a constitutional responsibility to a procedural rule. It could also lead to a situation where a government, which no longer commands the confidence of the House, continues in power until the opposition presents a no-confidence motion when Parliament or Assembly is convened as per its normal schedule.

It is precisely for these reasons that the Constitution-makers have specifically conferred the power to summon the Lok Sabha on the President "at such time and place as he thinks fit" under Article 85(1). Article 174(1) confers similar power on the Governor of a State to summon the State Assembly. These provisions would prove to be useful to either the President or the Governor, if the government in power, seemingly reduced to a minority, refuses to seek a confidence vote.

COMPOSITE FLOOR TEST AND SECRET BALLOT

The situation in Tamil Nadu, when both O. Panneerselvam and Edappadi K. Palaniswami staked their claims to form the government, on the basis of majority support in the Assembly, appeared to be yielding only limited options to the Governor, Ch. Vidyasagar Rao. One such was the composite floor test, an innovation by the Supreme Court in 1998.

In 1998, Chief Minister Jagdam-

bika Pal sought the Supreme Court's intervention when the Allahabad High Court unseated him and restored his rival, Kalyan Singh, as Chief Minister. Earlier, Governor Romesh Bhandari had dismissed Kalyan Singh without giving him an opportunity for a floor test, and appointed Jagdambika Pal, who claimed majority support, as Chief Minister.

Although the Governor, in the meantime, decided to implement the High Court order, the Supreme Court summoned a special session of the Uttar Pradesh Assembly on February 26, 1998, with the sole agenda of holding a composite floor test between the two contending parties in order to see which of the two claimants to chief ministership had a majority in the House.

The Supreme Court warned: "It is pertinently emphasised that the proceedings in the Assembly shall be totally peaceful and disturbance, if any, caused therein would be viewed seriously." The court also asked the Assembly Speaker to announce the result of the floor test faithfully and truthfully. It directed that its order be treated as a notice to all the MLAs, leaving apart the notices the Governor/Secretariat was supposed to issue. The court also restrained the "functioning government" from taking any major decisions, except attending to routine matters, which were not of any consequence.

Although the court did not use the words "secret ballot" in its order directing a composite floor test, the Assembly distributed ballot papers to all the MLAs and kept a ballot box for depositing the same after they exercised their franchise. As a newspaper report on the outcome put it: "In the end, it was 225 ticks for Kalyan Singh, 196 for Jagdambika Pal, and no damage to the Assembly furniture."

On February 27, 1998, the Supreme Court took note of the criticism that the Speaker of the Uttar Pradesh Assembly withheld his verdict in the disqualification case of 12 members belonging to the Bahujan Samaj Party (BSP) under the Anti-Defection Act, although he had con-

cluded his hearing in the case on February 25. Had these MLAs been disqualified before the composite floor test, Kalyan Singh's tally would have come down from 225 to 213. But the court did not pursue this aspect because in its view even if the 12 MLAs had been disqualified, the result would have been the same.

The Supreme Court justified its direction to hold a composite floor test thus: "Kalyan Singh had offered to the Governor to face floor test, which was declined. On his dismissal, his rival on being sworn in as the Chief Minister was required to undergo the floor test in a time frame. We have facilitated both in one go. Both have had their measure of strength. In these circumstances, keeping any attendant issues alive in the form of the writ petition before the High Court would not be conducive to political peace and tranquility, as also overall harmony."

The Supreme Court drew its powers to direct a composite floor test under Article 142 of the Constitution. Under its jurisdiction, the Supreme Court may pass such a decree or make such order as is necessary for doing complete justice in any cause or matter pending before it, and any decree so passed or order so made shall be enforceable throughout the territory of India.

Scholars of the Constitution wonder whether the Supreme Court's innovation in the Jagdambika Pal case has any value as a precedent. They say so because the court issued the order confining itself to the facts of the case before it without any reasoning or laying down principles for the future. Their criticism of the Supreme Court's intervention in the affairs of the State legislature is also prompted by concern for the doctrine of separation of powers and



JITAN RAM MANJHI

demanding a secret ballot when he was asked by the Governor, Keshari Nath Tripathi, to seek a vote of confidence after Nitish Kumar (below) staked his claim in 2015.



checks and balances.

Despite such disagreement, the court did not feel inhibited in following the Jagdambika Pal precedent twice later. In 2005, elections in Jharkhand resulted in a hung Assembly, and the newly elected members were yet to take oath as members. The Governor, Syed Sibtey Razi, appointed the Jharkhand Mukti Morcha (JMM) leader Shibu Soren as the Chief Minister and a junior member of the Assembly as Protem Speaker against the convention of appointing the senior-most member. The Governor was also about to nominate one member of the Anglo-Indian community to the Assembly. Arjun Munda of the National Democratic Alliance (NDA) claimed majority support in the Assembly and sought the Supreme Court's intervention.

On March 9, 2005, the Supreme Court advanced the date of the Assembly session to March 11, whereas the vote of confidence was to take place from March 15, the date chosen by the Governor.

The Supreme Court said in its order:

"The only agenda in the Assembly on 11th March, 2005 would be to have a floor test between the contending political alliances in order to see which of the political party or alliance has a majority in the House and hence a claim for chief ministership."

The Supreme Court restricted the Governor from nominating anyone to represent the Anglo-Indian community, and held that the floor test should be confined to the 81 elected members only. The NDA's strength in the Assembly was 41. More important, it directed the Chief Secretary and the Director General of Police, Jharkhand, to see that all the elected members attended the

Assembly freely, safely and with security and no interference or hindrance was caused by anyone therein.

It also directed the Protem Speaker to video-record the proceedings of the Assembly on March 11, 2005, and send a copy of the same to the court.

However, the court-directed session did not take place on March 11 as Soren resigned without facing the floor test. Munda, who was sworn in as Chief Minister, won the vote of confidence subsequently.

The then Lok Sabha Speaker, Somnath Chatterjee, called for a presidential reference under Article 143 on the correctness of the Supreme Court's order in Jharkhand. The then United Progressive Alliance (UPA) government, however, disagreed, and paved the way for the swearing in of Munda as Chief Minister.

UTTARAKHAND CRISIS

The Supreme Court relied on the Jagdambika Pal precedent in the Uttarakhand case also in 2016.

In *Union of India vs Harish Chandra Singh Rawat*, the Centre appealed against the Uttarakhand High Court's judgment quashing the imposition of President's Rule in the State after dismissing the Congress government led by Rawat. The court said in its order on May 9, 2016: "It was conceded [by both the parties] that the floor test should be conducted under the supervision of this court."

On May 6, the Supreme Court explained the procedure to be adopted during the floor test:

"On the Confidence Motion having been put, a division of the House shall take place and the members who are inclined to vote in favour of the motion, shall sit on the one wing/side and the others who are against the motion, shall sit on the other wing/side. The Principal Secretary, Legislative Assembly of the State of Uttarakhand, shall see to it that the voting is appositely done and recorded. The members voting in favour of the motion shall singularly vote by raising their hands one by one and

that will be counted by the Principal Secretary, Legislative Assembly. Similar procedure shall be adopted while the members [are] voting against the motion.”

On May 9, it modified this order to correct the neutral officer’s designation as Principal Secretary, Legislative and Parliamentary Affairs.

It gave a retrospective justification for Jagdambika Pal saying: “Be it noted, in the case of *Jagdambika Pal vs Union of India*, the court was under the constitutional obligation to innovate the method.”

The Supreme Court reiterated its ruling in the Jharkhand case: “This court, being the sentinel on the quiver of the Constitution, is under the obligation to see that the democracy prevails and not gets hollowed by individuals. The directions given on the last occasion were singularly for the purpose of strengthening democratic values and the constitutional norms. The collective trust in the legislature is founded on the bedrock of the constitutional trust.

This is a case where one side even in the floor test does not trust the other and the other claims that there is no reason not to have the trust. Hence, there is the need and there is the necessity to have a neutral perceptionist to see that absolute objectivity is maintained when the voting takes place. Solely for the aforesaid purpose, we intend to modify the order by directing that the Principal Secretary, Legislative and Parliamentary Affairs who belongs to the cadre of the District Judge shall remain present to conduct the affairs with perceptible objectivity and singularity of purpose of neutrality along with the Secretary Legislative Assembly. ...We ingeminate it that we have so directed so that no party can raise a cavil with regard to the process of voting.”

The voting on the confidence motion in the Uttarakhand Assembly took place peacefully on May 10,



R.V. MOORTHY

THE VOTING on the confidence motion in the Uttarakhand Assembly took place on May 10, 2016, and Harish Rawat won the floor test.

2016, and Rawat won the floor test by securing 33 votes in the 61-member Assembly. The Supreme Court did not allow nine Congress rebel MLAs, who were earlier disqualified by the Speaker, to vote. The Uttarakhand High Court had upheld their disqualification under the Anti-Defection Act, and their appeals were pending in the Supreme Court. Meanwhile, all the rebel MLAs have joined the BJP.

MANJHI-NITISH KUMAR CONTEST

As the Chief Minister of Bihar, Jitan Ram Manjhi, demanded a secret ballot when he was asked by the Governor, Keshari Nath Tripathi, to seek a vote of confidence after Nitish Kumar staked his claim in 2015. Nitish Kumar chose Manjhi to succeed him when he resigned owning moral responsibility for the ruling Janata Dal’s reverses in the 2014 Lok Sabha elections but later changed his mind.

Importantly, the Governor gave Manjhi the first opportunity to face the floor test. When the Governor refused to concede Manjhi’s request for a secret ballot during the voting on the confidence motion, Manjhi resigned, alleging threats and monetary enticements to the MLAs from the Nitish Kumar faction.

FADNAVIS’ TRUST VOTE

In December 2014, the Bombay High Court upheld the order passed by the Speaker of the Maharashtra Legislative Assembly for conducting the vote on the motion of confidence moved by newly appointed Chief Minister Devendra Fadnavis by raising hands.

The High Court ruled that it did not have the jurisdiction to hear petitions challenging the decision of the Speaker who had ordered a voice vote instead of a head count, enabling the newly elected BJP government to prove its majority in the House. The public interest litigation petitions challenging the Speaker’s

order contended that under the constitutional provisions, the respondents (Speaker and Chief Minister) were duty-bound to hold a secret ballot or a head count to establish the government’s majority in the House.

QUESTION OF PROCEDURE

The Supreme Court has held in many cases that Article 212 prohibited the validity of any proceedings in a State legislature from being called into question on the grounds of any alleged irregularity of procedure.

The Bombay High court, relying on the Supreme Court’s rulings in those cases, held that the Speaker’s failure to ensure a debate on the motion before voting could at best be a procedural irregularity.

Relying on the Supreme Court’s previous rulings, the High Court held that the onus of establishing that illegality was committed by the Speaker was squarely on the person who made that assertion.

The High Court held that the Speaker did not commit any illegality by adopting the mode of voice test for proving the majority in the House, which is an accepted procedure under Rule 41 of the Maharashtra Legislative Assembly Rules. This rule prescribes voice test as one of the ways of proving the majority in the House and the discretion is vested in the Speaker to decide which mode has to be adopted, namely, voice test or division, the High Court held.

Considering these legal precedents, the decision of the Tamil Nadu Assembly Speaker P. Dhanapal against having a secret ballot during the vote on the confidence motion may be less assailable than the other aberrations that marked the trust vote. Among these are, keeping the All India Anna Dravida Munnetra Kazhagam (AIADMK) MLAs in captivity for days together until the trust vote took place and the forcible eviction from the Assembly of all Dravida Munnetra Kazhagam MLAs on the grounds that some of them indulged in unruly behaviour in the House, may justify judicial intervention as evident from the Supreme Court’s orders in the Uttar Pradesh, Jharkhand and Uttarakhand cases. □

The last word

It took two decades for the judiciary to bring the disproportionate assets case against Jayalalithaa to closure, but, in the end, the Supreme Court **hit the nail** on the head. BY **T.S. SUBRAMANIAN**

ON the morning of June 4, 1997, N. Natarajan, Senior Special Public Prosecutor in the cases of corruption against Jayalalithaa, All India Anna Dravida Munnetra Kazhagam (AIADMK) general secretary and Tamil Nadu Chief Minister from 1991 to 1996, alerted this correspondent over phone about a charge sheet being filed against her. "Come this evening to the court of Special Judge-II. The charge sheet will be filed there against Jayalalithaa in the disproportionate wealth case against her. It will be the case against her," Natarajan said, laying stress on the words "the case".

Two decades later, after a relentless battle waged by the prosecution against Jayalalithaa and her co-accused—V.K. Sasikala, V.N. Sudhakaran and J. Ilavarasi—Natarajan's words proved prescient. On February 14, 2017, the Supreme Court ruled that Jayalalithaa was guilty of amassing wealth beyond her known sources of income when she was Chief Minister (and hence a public servant) from 1991 to 1996. Justices Pinaki Chandra Ghose and Amitava Roy found that the co-accused had conspired with Jayalalithaa and abetted her in accumulating the wealth. Jayalalithaa was the prime accused (A1) in the case, and Sasikala, Sudhakaran and Ilavarasi were A2, A3 and A4 respectively.

In their 570-page judgment, Justices Ghose and Roy said they had analysed the evidence adduced by the parties and concluded that "A1 to A4 have entered into a conspiracy and in furtherance of the same, A1,

who was a public servant at the relevant time, had come into the possession of assets disproportionate to her known sources of income during the check period...". She got them "dispersed in the names of A2 to A4" and in several firms and companies "to hold these on her behalf with a masked front", the judges said. "The charge of abetment laid against A2 to A4 in the commission of the offence by A1 also stands proved," the judgment said.

They set aside the order of Justice C.R. Kumaraswamy of the Karnataka High Court pronounced on May 11, 2015, acquitting all the four accused "of all the charges levelled against them". Justices Ghose and Roy declared, "...we set aside the judgment and order of the High Court and affirm and restore the judgment of the trial court in toto against A2 to A4". This, in effect, restored the order of the Special Court (trial court) Judge, John Michael D'Cunha, Bengaluru, convicting and sentencing Sasikala, Sudhakaran and Ilavarasi to four years' simple imprisonment and directing them to pay a fine of Rs.10 crore each. The trial court convicted and sentenced Jayalalithaa to four years' simple imprisonment under Section 13(1)(e) read with Section 13 (2) of the Prevention of Corruption Act (PCA) and imposed a fine of Rs.100 crore on her.

The Supreme Court had transferred the trial in the case from Chennai to Bengaluru in 2003 and appointed the Karnataka government the prosecuting agency. After

Judge D'Cunha's judgment, the four accused appealed in the Karnataka High Court against their conviction and sentence. Justice Kumaraswamy acquitted all the four of all charges. Against this, the Karnataka government appealed in the Supreme Court.

Suspense filled the air in Tamil Nadu for seven months before the



Supreme Court judgment was pronounced on February 14. Justices Ghose and Roy had reserved, on June 7, 2016, their orders in the case. But Jayalalithaa, who became Chief Minister after her party was voted back to power in the May 2016 Assembly elections, took ill on September 22, 2016. In the starkest irony in the two-decade-old legal battle, Jayalalithaa, the prime accused in the case, died on December 5, 2016. This sparked a debate on whether the case against the co-accused would collapse following Jayalalithaa's death ("Uncertain outcome", *Frontline*, January 6, 2017).

TRIAL COURT JUDGMENT RESTORED

Justices Ghose and Roy cleared the air on this in their judgment. The judges said that although there was "inextricable nexus" between Jayalalithaa and the three other accused and they (the judges) had made ref-



THE HINDU ARCHIVES

JAYALALITHAA'S residence at Poes Garden in Chennai and (above) silver articles that the Directorate of Vigilance and Anti-Corruption found in the searches there in December 1996.



R. RAGU

erences to her “role” and “evidence pertaining to her”, the appeals in the Supreme Court against Jayalalithaa’s acquittal “stand abated” because she had expired. However, the judges “reiterated” that since “the charge against A2 to A4 is proved, the conviction and sentence recorded against them by the trial court is restored in full including the consequential directions”.

They cited an order of the Supreme Court in 2014 stating that the mere fact that the sole public servant (who was one of the accused in that case) had died would not divest the jurisdiction of the Special Judge or vitiate the proceedings pending before him. The judges, therefore, ruled that although “the sole public servant, being A1 in this matter, has died” and “the appeals against her have abated, even then A2 to A4 are liable to be convicted and sentenced in the manner as has been held by the trial judge”. The apex court also said that the trial court had “correctly held in this matter that private individuals can be prosecuted by the court on the ground that they abetted the act of criminal misconduct committed by the public servant”, which fell under Section 13(1)(e) of the PCA.

Although Sasikala, Sudhakaran and Ilavarasi claimed that they had independent sources of income, Justices Ghose and Roy said the facts and circumstances that had been proven in evidence “undoubtedly” pointed out that “A2 to A4 were accommodated in the house of A1 pursuant to the criminal conspiracy hatched by them to hold the assets of A1”. The fact that shell companies had been set up by them and large tracts of land had been acquired out of the funds provided by A1 indicated that “all the accused congregated in the house of A1 neither for social living nor A1 allowed them free accommodation out of humanitarian concern...,” the judgment said.

(The prosecution, during the trial, had alleged that after Jayalalithaa became Chief Minister in 1991, there was a spurt in the acquisition of assets, and Jayalalithaa and Sasikala floated 32 firms or shell companies



JUSTICE Pinaki Chandra Ghose.

THE HINDU ARCHIVES



JUSTICE Amitava Roy.

R.V. MOORTHY

in which Sasikala, Sudhakaran and Ilavarasi were partners. A number of immovable properties were bought in the name of six of these companies—Meadow Agro Farm Private Limited, Riverway Agro Products Limited, Lex Property Development Private Limited, Signora Business Enterprises, Ramraj Agro Products Private Limited, and Indo-Doha Chemicals and Pharmaceuticals Private Limited. Judge D’Cunha, in his order, directed the confiscation of the immovable properties bought in the name of these six companies.)

Jayalalithaa could not claim non-

involvement in these firms, the Supreme Court said. “The flow of money from one account to the other proves that there existed an active conspiracy to launder the ill-gotten wealth of A1 for purchasing properties in the names of these firms,” the court said.

CONSPIRACY AMONG PARTIES

The constitution of various firms during the period under review was another circumstance establishing the conspiracy among the parties, the judges said. Ten firms were set up on a single day. In addition, Sasikala and Sudhakaran started independent concerns. Apart from buying properties, these concerns undertook no other business activity. Justices Ghose and Roy asserted that the “firms and companies were operating from the residence” of Jayalalithaa and that “it cannot be accepted that she was unaware of the same even though she feigned ignorance about the activities carried on” by Sasikala, Sudhakaran and Ilavarasi. They were residing with Jayalalithaa although there was no blood relationship between them, the judges said. Judge D’Cunha was “meticulous, sensitive, vigilant and judicious” in valuing the assets of the accused, the apex court judges said. On the other hand, the judges said they were of “unhesitant opinion”, after they had analysed the facts and circumstances of the case and considered the evidence placed before them and the arguments advanced by all the parties, that “the impugned judgment and order rendered by the High Court is untenable”.

In his order, citing an earlier Supreme Court ruling, Justice Kumaraswamy said that “it is a well-settled law that according to Krishnanand Agnihotri’s case, when there is a disproportionate asset to the extent of 10 per cent, the accused are entitled for acquittal”. He computed the wealth accumulated by Jayalalithaa at 8.12 per cent above her known sources of income. Justices Ghose and Roy ruled that the apex court’s earlier decision in the Krishnanand Agnihotri case had no application in the wealth case against Jayalalithaa

and the accused “cannot avail” themselves of any benefit from it.

They said Justice Kumaraswamy’s computation of the wealth accumulated by Jayalalithaa as 8.12 per cent above her known sources of income was based on a “completely wrong reading of the evidence on record, compounded by incorrect mathematical calculations...”. Since the evidence on record “unassailably” proved disproportionateness of the assets, as contemplated under Section 13(1)(e) of the PCA, it was not essential “to resort to any arithmetic to compute the percentage thereof,” the judges said.

VERDICT APPRECIATED

G. Ravikumar, a senior lawyer practising in the Madras High Court, lauded the verdicts of the trial court and the apex court. “The trial judge had done his analysis very well and come to a reasonable conclusion that all the four accused were guilty. The Supreme Court weighed whether the trial court’s order was sustainable in law,” he said.

An allegation against a public servant that he or she had amassed wealth beyond his/her known sources of income was “one of the exceptional offences” that the public servant could be charged with under Section 13(1)(e) of the PCA, Ravikumar said. It is an offence wherein the accused has to prove that the accumulated properties or income came from a legitimate source. “This is one of the exceptions in the general rule of criminal jurisprudence. Normally, the prosecution has to prove that the accused had committed a crime, but here the accused have to prove that the assets are not disproportionate to their known sources of income. This comes under Section 13(1)(e) of the PCA. Here the scope of the defence is very limited,” he said.

In the disproportionate wealth case against Jayalalithaa and the co-accused, the prosecution had proved that she had amassed wealth to the tune of Rs.66.65 crore, which did not add up considering the salary (Re.1 a month) she had been drawing as Chief Minister from 1991 to 1996 and her earlier income, Ravikumar said.

The accused, therefore, had to dislodge the allegation that this wealth came from an unlawful source and they had to do so to the satisfaction of the court. “In this case, the accused did not offer any satisfactory explanation that she [Jayalalithaa] derived her income from a lawful source. In a full-fledged trial, the trial court analysed the entire oral and documentary evidence and found that all the accused were guilty in the sense that the first accused, a public servant, had accumulated wealth from unlawful sources and the other accused had aided and abetted her and misused her office in this. The Supreme Court, after a thorough appreciation of the entire oral and documentary evidence, upheld the judgment of the trial court,” Ravikumar said.

Judge D’Cunha had done his analysis very well and had reached a reasonable conclusion that the accused were guilty and it was an impartial analysis, he said. The trial judge gave his findings with reason. The Supreme Court had also correctly appreciated the facts of the case and given its verdict, the lawyer said. The apex court’s judgment had a strong message that public servants who amassed wealth unlawfully and others who abetted them in that would be punished, Ravikumar said.

Sunder Mohan, a lawyer practising in the Madras High Court and the Supreme Court, called the apex court verdict “a well-considered judgment both on facts of the case and the law”. He said the Supreme Court had gone into “the minute details of the transactions made by the accused and the evidence let in on that”. He listed the areas where there was a major difference in the calculations done by the prosecution and the defence. They related to the income of Jayalalithaa during the period under review, the cost of the new and additional construction made, the huge expenses relating to the marriage of Sudhakaran in 1995 (who was then Jayalalithaa’s foster son), and so on. The Supreme Court did not accept the argument of the defence and the finding of Justice Kumaraswamy that the loans taken

by the accused from banks amounted to income. Some of the loans had been repaid during the check period. So their being included as income amounted to double entry, Sunder Mohan said.

The Supreme Court did not accept the argument of the defence that the gifts that Jayalalithaa had received should be considered as income. The Supreme Court also disagreed with the argument that the properties acquired in the name of the six companies were not bought with A1’s money. Sunder Mohan pointed to the sharp observation made by Justices Ghose and Roy that “the unimpeded, frequent and spontaneous flow of funds from the account of A1 to those of the other co-accused and the firms/companies involved, overwhelmingly demonstrate the collective culpable involvement” of the accused in the transaction and render them to “masked banking exchanges”.

Opinion is divided among lawyers on whether the fine of Rs.100 crore, imposed by the trial court on Jayalalithaa, has been restored. Sunder Mohan said it was not restored because she was dead and the appeals against her acquittal by the Karnataka High Court had abated. According to Ravikumar, the Supreme Court had found Jayalalithaa guilty of amassing wealth disproportionate to her known sources of income but as she was dead could not be asked to pay a fine.

However, legal experts agree that the immovable properties bought in the name of the six companies, in which A2 to A4 were partners, will be confiscated. This was one of the directions given by Judge D’Cunha in his judgment. Justices Ghose and Roy observed in their judgment that “we are of the opinion that the order of confiscation/forfeiture of the properties standing in the name of the six companies... made by the trial court is unexceptional”. They “restored” the direction of the trial court towards confiscation/forfeiture of the attached property of the six companies and declared that the trial court’s direction amounted to “an order by this court as well”. □

A trial of two decades

The timeline of the “disproportionate assets” case against Jayalalithaa reveals the **evasive tactics** she employed to delay the trial and the verdict.

BY T.S. SUBRAMANIAN

PERHAPS no other case in independent India has attracted so much attention and witnessed such dramatic twists and turns as the disproportionate wealth case against Jayalalithaa and her co-accused. If the accused used every stratagem in the book to drag the trial for 20 years, they underestimated the resilience of K. Anbazhagan and B.V. Acharya, who fought every inch of the way to get them punished. Anbazhagan, 94, general secretary of the Dravida Munnetra Kazhagam (DMK), was the intervener in the case and Acharya, 81, was the Special Public Prosecutor (SPP). Acharya is a five-time Advocate General of Karnataka.

On February 14, Justices Pinaki Chandra Ghose and Amitava Roy of the Supreme Court applied the closure to the case when they found Jayalalithaa guilty (posthumously; she died in Chennai on December 5, 2016) of conspiring with V.K. Sasikala, V.N. Sudhakaran and J. Ilavarasi to amass wealth disproportionate to her known sources of income when she was a public servant, that is, the Chief Minister of Tamil Nadu from 1991 to 1996. Besides, the judges restored the trial judge Michael D'Cunha's conviction and sentencing of the three co-accused “in toto”. D'Cunha, who is now a judge in the Karnataka High Court, had sentenced Sasikala, Sudhakaran and Ilavarasi to four years' simple imprisonment and a fine of Rs.10 crore each.

“Jayalalithaa and her co-accused employed so many tactics to delay

and drag on the trial in the ‘disproportionate wealth’ case against them. How can I list all of them?” said R. Shanmugasundaram, senior advocate, who appeared against Jayalalithaa and the other accused in the case. The very first delaying tactic that she employed was to challenge the sanction accorded by Governor Dr M. Channa Reddy on March 25, 1995, to Subramanian Swamy, then the Janata Party leader in Tamil Nadu (he is now with the Bharatiya Janata Party), to prosecute her under the Prevention of Corruption Act

(PCA). She sought more than 300 adjournments in the case.

The Directorate of Vigilance and Anti-Corruption (DVAC), Tamil Nadu, which was the investigating agency in the case, filed the charge sheet on June 4, 1997. The trial took place in a Special Court in Bengaluru according to the Supreme Court's orders. The DVAC named Jayalalithaa the first accused in the case and Sasikala, Sudhakaran and Ilavarasi the second, third and fourth accused respectively. The case was that Jayalalithaa had amassed wealth worth



JAYALALITHAA arriving at the Special Court near the Central Jail in Parappana Agrahara, Bengaluru, on September 27, 2014, in connection with the disproportionate assets case.

Rs.66.65 crore, disproportionate to her known sources of income when she was Chief Minister (and hence a public servant) from 1991 to 1996 and she was charged with offences under the PCA and the Indian Penal Code. It said Sasikala, Sudhakaran and Ilavarasi abetted the Chief Minister in this.

Witnesses turned hostile after the All India Anna Dravida Munnetra Kazhagam (AIADMK), headed by Jayalalithaa, returned to power in 2001. After she became Chief Minister again in May 2011, the delaying tactics continued. G. Sambandam, a Deputy Superintendent of Police of the DVAC, wrote to the Special Judge that it had taken up further investigation in the case against Jayalalithaa and the other accused. She delayed the trial further by insisting that she should be exempted from appearing personally in the court for questioning, Shanmugasundaram said.

Exasperated by the delaying tactics adopted by Jayalalithaa and the co-accused, Chief Justice of India H.L. Dattu asked her lawyer Fali S. Nariman: "...How many years did you take to complete the trial?" He

replied: "Far too many, my Lord."

Nariman's admission came on October 18, 2014, when he pressed for bail for Jayalalithaa and the co-accused who were convicted and sentenced to four years' imprisonment each by Special Court Judge D'Cunha on September 27, 2014. They were in judicial custody when their bail applications came up before a three-member bench of the Supreme Court comprising Chief Justice Dattu, Justice B. Madan Lokur and Justice A.K. Sikri. Nariman argued that Jayalalithaa's continued imprisonment when her appeal in the Karnataka High Court against her conviction and sentencing was pending would cripple her "valuable right of appeal against her conviction" and reduce it to an "exercise in futility". Chief Justice Dattu, however, said: "So if we pass orders to suspend your sentence now, you will take another two decades to finish the appeal. Should we not take into consideration the conduct of the accused in the Special Court, in the High Court and even in the Supreme Court? The case went on for years and years and years."

The genesis of the case lay in the

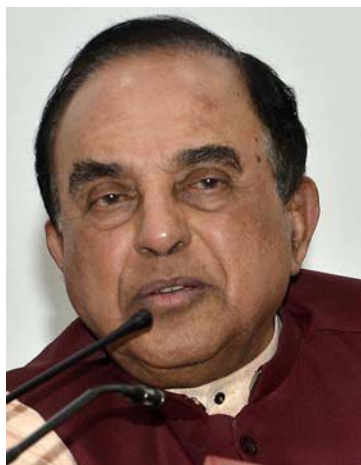
permission accorded by Governor M. Channa Reddy to Subramanian Swamy on March 25, 1995, to sue Jayalalithaa for corruption. It was on April 1, 1995, that Swamy himself announced that he had received the Governor's permission to take her to court under the PCA.

GOVERNOR'S SANCTION

On April 15, 1995, DMK president and former Chief Minister M. Karunanidhi and Anbazhagan presented to Channa Reddy a list of 28 charges of corruption against the Jayalalithaa government and requested the Governor to give them permission to prosecute Jayalalithaa and others named in the allegations under Section 200 of the Code of Criminal Procedure, or CrPC (*Frontline*, May 5, 1995). No sooner had Swamy received Channa Reddy's permission to sue Jayalalithaa than her tactics to ward off the prosecution began. She filed a writ petition in the Madras High Court challenging the Governor's sanction. On April 27, 1995, a Division Bench dismissed her petition as not maintainable. The court ruled that the sanction to prosecute the Chief Minister was the Gover-



V.K. SASIKALA (right) and her sister-in-law J. Ilavarasi when they came to appear before the Special Court in Bengaluru in April 2014. (Right) V.N. Sudhakaran. All three are co-accused in the case.



SHIV KUMAR PUSHPAKAR

SUBRAMANIAN SWAMY. He sought sanction from the Governor to prosecute Jayalalithaa under the Prevention of Corruption Act.

nor's exclusive function to be exercised by him at his discretion. The court said there could be no difference of opinion that the permission to prosecute was only an administrative order and did not by itself affect the petitioner's rights, much less her fundamental rights under Article 21 of the Constitution as she had claimed. If the argument that the permission letter affected her rights under Article 21 was accepted, there could be no prosecution of any citizen, the court observed.

A year later, in the May 1996 elections to the Assembly, the DMK trounced the AIADMK and Jayalalithaa herself was defeated in the Bargur constituency. Karunanidhi was sworn in as the Chief Minister and Anbazhagan became the Education Minister. On June 14, 1996, Swamy presented a private complaint before the Principal Sessions Judge, City Civil Court, Chennai, to prosecute Jayalalithaa under the PCA. He alleged in his complaint that her wealth was nil during 1989-90, Rs.1.89 crore the next year, Rs.2.60 crore in 1991-92, and Rs.5.82 crore in 1992-93. This was on the basis of a reply to a question of his in the Rajya Sabha. His own investigation showed that her wealth had risen to Rs.21.33 crore in 1993-94 and shot up to Rs.38.21 crore in 1994-95, he said.

By her own admission, Jayalalithaa drew a salary of Re.1 a month when she was Chief Minister from 1991 to 1996. Jayalalithaa, in league with Sasikala and her close relatives who lived with Jayalalithaa in her residence at Poes Garden in Chennai, had amassed wealth that was not commensurate with her known sources of income. This was criminal misconduct under Section 13(1)(e) of the PCA, said Swamy.

Section 13(1)(e) of the PCA says that a public servant is said to have committed criminal misconduct if he or any person on his behalf has money or property worth more than his known sources of income during the period he was a public servant and is not able to account for it satisfactorily. Section 13 (2) of the PCA says that "any public servant who commits criminal misconduct" could be imprisoned for not less than one year and that the jail term may be extended to seven years and he may be asked to pay a fine too.

The Principal Sessions Judge directed the police to investigate Swamy's complaint. The DVAC became the investigating agency and N. Nallamma Naidu, Superintendent of Police, DVAC, was appointed the investigating officer. He filed a first information report (FIR) on September 18, 1996. Nallamma Naidu and the DVAC's legal adviser K.E. Venkataraman formed a formidable pair.

SEARCHES AT POES GARDEN

Searches by DVAC officials at Jayalalithaa's residences at Poes Garden in Chennai and in Hyderabad from December 7 to 12, 1996, yielded proof of 32 shell companies. Sasikala, Sudhakaran and Ilavarasi were partners in these companies. Documents seized during the searches revealed that six of these shell companies had transacted no businesses other than buying land and buildings. Searches also showed that the four accused had acquired movable and immovable property and pecuniary resources such as bank accounts and fixed deposits after July 1, 1991. Nallamma Naidu's work was so thorough that he collected challans and



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M. CHANNA REDDY. As Tamil Nadu Governor, he gave sanction to Subramanian Swamy to prosecute Jayalalithaa on corruption charges.

receipts from banks into which the accused had transferred money they had received from various sources, including the business enterprises or shell companies in which they were partners. The searches in Jayalalithaa's residence unearthed hoards of gold and diamond jewellery, silver articles, scores of expensive wrist watches, thousands of saris, hundreds of pairs of footwear, a fleet of cars, documents and cash. The doors of Jayalalithaa's residence were made of sandalwood (*Frontline*, October 17, 2014).

Nallamma Naidu filed the DVAC's charge sheet on June 4, 1997, before Special Court Judge P. Anbazhagan. It said Jayalalithaa and three of her associates had acquired a slew of assets worth more than Rs.66.65 crore during her tenure as Chief Minister from 1991 to 1996 and that their value was "disproportionate to her known sources of income". Among the assets were bungalows in Chennai; farmhouses in Sirudhavur and Payyanur, near Chennai; land in Sholinganallur and Injambakkam, near Chennai; land in Velagupuram village in Tiruvallur district; vacant sites in Thanjavur; land and buildings in Thanjavur, Tiruchi and Manargudi towns; several hundreds of acres of agricultural land at Oothukottai in Tiruvallur and Tirunelveli districts; Kodanad Tea Estate in the



B. JOTHI RAMALINGAM

K. ANBAZHAGAN, Dravida Munnetra Kazhagam leader. He impleaded himself in the case as an intervener.

Nilgiris; a marriage hall; industrial units from the State-owned Tamil Nadu Small Industries Corporation (TANSI); farmhouses near Hyderabad; cash in bank accounts and investments in financial firms. They were all in Jayalalithaa's name or in the names of the accused or firms in which they were partners.

Many property owners, including the music director Gangai Amaran, were forced to part with their property to the accused for a low rate. The story that did the rounds was that whichever property Sasikala took a fancy to had to be sold to her at low rates.

Jayalalithaa was charged with offences under Section 13(1)(e) read with 13(1)(2) of the PCA. The other accused were additionally charged with Section 109 (abetment) of the IPC. All the four accused were charged with Section 120-B (conspiracy) of the IPC. Nallamma Naidu cited about 900 witnesses and filed voluminous documents to back up his allegations.

A notice was sent to Jayalalithaa before the filing of the charge sheet, asking her to take note of the view of the investigating officers and explain how she came to acquire the assets so that the police could correct themselves if they were wrong. Jayalalithaa replied through her lawyer that she would explain only in court.

On June 5, 1997, Special Court-II Judge S. Sambandam took cognisance of the charge sheet. Later, Anbazhagan impleaded himself in the case as an intervener. He filed written arguments under Section 314 of the CrPC.

TRIAL HITS ROADBLOCKS

The trial progressed smoothly as long as the DMK was in power from 1996 to 2001. But it hit a series of roadblocks once the AIADMK returned to power in May 2001 and Jayalalithaa became Chief Minister again. A new public prosecutor was appointed. After the trial resumed on November 7, 2002, witnesses who had earlier deposed against Jayalalithaa turned hostile. Sixty-four of the 76 prosecution witnesses against her and the other accused recanted their statements. The new public prosecutor did not declare them hostile witnesses. Jayalalithaa's presence was dispensed with when she had to be cross-examined and a questionnaire was sent to her. Instead of simple "yes" or "no" replies, she gave lengthy answers running to several pages. It was clear that the Jayalalithaa government was making every attempt to derail the trial.

Anbazhagan filed a writ petition in the Supreme Court seeking transfer of the trial to a court outside Tamil Nadu. He said that with the prosecutor appointed by the State government conducting the trial in a manner in which prosecution witnesses turned hostile frequently, especially during cross-examination,

the public feared that the trial was neither free nor fair. Besides, police officers in Tamil Nadu could not be expected to prosecute the cases against the Chief Minister diligently, the DMK leader said.

"The petitioner has made out a case that the public confidence in the fairness of the trial is being seriously undermined," Justices S.N. Variava and H.K. Sema of the Supreme Court said about the delaying tactics used by the accused. "No attempt has been made to elicit or find out whether witnesses were resiling because they are now under pressure to do so. It does appear that the new public prosecutor is hand in glove with the accused, thereby causing a reasonable apprehension of likelihood of failure of justice in the minds of the public at large. There is a strong indication that the process of justice is being subverted."

On November 18, 2003, Justices Variava and Sema transferred the trial from the Special Court in Chennai to a Special Court to be set up in Bengaluru, Karnataka. Thus, the Karnataka government became the prosecuting agency. The judges directed the Karnataka government to appoint an SPP, who would be approved by the Karnataka High Court, to argue the case against the four accused. The impleading application from Swamy was also allowed.

Justices Variava and Sema criticised the grant of dispensation from personal appearance given to Jayalalithaa, which is required under Section 313 of the CrPC, by saying: "Be you ever so high, the law is above you." Her plea for exemption from being personally present to answer questions was "a ploy adopted to circumvent the due process of law", the judges wrote in their order. They made it "clear" that "the accused must answer the questions by personally remaining present in the court". They also expressed surprise at how Jayalalithaa was exempted from being personally present when she lived in Chennai and did not need to "undertake a tedious long journey" to be present in the court to answer questions.

The judges squelched the argu-

The transfer of the trial to Bengaluru from Chennai marked a turning point in the case.

ment of K.K. Venugopal, counsel for Jayalalithaa, that Anbazhagan had no *locus standi* to file the petition. They called it an “argument of despair” and asserted that the claim that the DMK general secretary had filed the petition out of political vendetta had “no force”. They called political opponents in a democracy “watchdogs of the government in power”.

TURNING POINT

The transfer of the trial to Bengaluru marked a turning point in the case. The trial began in Bengaluru with the appointment of Acharya, one of Karnataka’s most respected lawyers, as the SPP.

However, Jayalalithaa was soon back to her delaying tactics. Although her party had been defeated in the Assembly elections held in 2006, it captured power in the May 2011 elections. The DVAC, Tamil Nadu, quickly got into the act and G. Sambandam, its Deputy S.P., breaking protocol, wrote directly to the Special Judge that the DVAC had taken up further investigation in the wealth case against Jayalalithaa. The letter upset Acharya so much that he alleged before the Special Judge that the DVAC was colluding with the accused to prolong the proceedings in the case.

The Jayalalithaa government also ordered further investigation in the case in January 2012. This infuriated Justice Dipak Misra and Justice Bhandari of the Supreme Court. “By virtue of our order, all witnesses have been examined and recording of statements is in progress. How can any State government conduct further investigation at this stage in 2012? This is nothing but subterfuge for the trial that began in 2004 [in Bengaluru]. Section 173 (8) of the CrPC [relating to further investigation] has some sanctity. There has to be some genuineness. This is nothing but an attempt to frustrate the trial,” Justice Misra (who sat on the bench with Justice Bhandari) told her counsel on January 27, 2012. Justices Misra and Bhandari quashed the DVAC’s communication of June 25, 2011

(*Frontline*, October 17, 2014).

Earlier, in October 2011, Jayalalithaa had fought hard to get an exemption from personally appearing in the Special Court at Parappana Agrahara near Bengaluru. She approached the Supreme Court for deferment of hearing saying that she was worried about her safety in Bengaluru and that the Karnataka government had failed to provide her adequate security. She wanted the trial to be held in a venue near the airport so that she need not drive the long distance from the airport to Parappana Agrahara. (It is about 50 km from the airport.)

This prompted Justices Bhandari and Misra to sarcastically ask her counsel: “You [Jayalalithaa] are a public figure. How can you remain away from the people?” The judges did not concede her plea to shift the trial to a place near the airport. “The helipad has been prepared. Once the hearing is over, fly back home,” they told her counsel.

TRIAL COURT VERDICT

On September 27, 2014, Special Judge D’Cunha ruled that he had no hesitation in holding that Jayalalithaa had accumulated all her ill-gotten wealth when she was Chief Minister from 1991 to 1996 and that it belonged to her and nobody else. He asserted repeatedly in his judgment that the real source of acquisition of wealth by the four accused was Jayalalithaa. He held that all the assets and pecuniary resources found in the possession of Sasikala, Sudhakaran and Ilavarasi



B.V. ACHARYA,
Special Public
Prosecutor in the case.



**JOHN MICHAEL
D’CUNHA**, Special
Court judge.



**JUSTICE
C.R. KUMARASWAMY**
of the Karnataka High
Court, who acquitted all
the four.

and “in the names of various firms and companies” owned by all the four accused “actually belong to Jayalalithaa”. He tersely asserted that “the prosecution could show that there was no real source of income” with Sasikala, Sudhakaran and Ilavarasi and that “the public servant is the real source”.

Holding the four accused guilty under the PCA and the IPC, he sentenced each of them to four years’ simple imprisonment and a fine of Rs.100 crore on Jayalalithaa and Rs.10 crore each on the other three.

Following the verdict, Jayalalithaa was forced to give up her post as Chief Minister. Under Section 8 of the Representation of the People Act (RPA), 1951, anyone who is convicted and sentenced to imprisonment under the PCA stands disqualified from contesting elections for six years from the date of his/her conviction plus the period of sentence. This meant that Jayalalithaa could not contest the elections for 10 years.

Soon after the verdict, Jayalalithaa and the other accused were ushered into their cells in the Central Prison Complex, adjacent to the court hall, at Parappana Agrahara. Jayalalithaa thus became the first incumbent Chief Minister to be sent to prison on charges of corruption.

After Jayalalithaa’s counsel Nari-man assured Chief Justice Dattu and Justices Lokur and Sikri that there would be no more attempts to delay their appeal in the Karnataka High

V. SREENIVASA MURTHY

K. GOPINATHAN

Court against the conviction and sentencing, the judges suspended the sentences of all the four accused and enlarged them on bail on October 17, 2014. Thus Jayalalithaa, Sasikala, Sudhakaran and Ilavarasi spent three weeks in prison before they returned to Chennai.

Jayalalithaa, sans chief minister-ship, remained forlorn and inaccessible. O. Panneerselvam, Finance Minister and number two in the Cabinet, was appointed Chief Minister. However, Jayalalithaa and Sasikala remote-controlled the government from Poes Garden.

On January 5, 2015, Justice C.R. Kumaraswamy of the Karnataka High Court began hearing the appeals of the four accused against their conviction and sentencing by Special Judge D'Cunha. The DVAC, Tamil Nadu, again tried its hand at manipulation. It authorised Bhavani Singh, two days after Special Judge D'Cunha gave his verdict, to appear for the prosecution in the appeals before Justice Kumaraswamy. This was a red rag for the DMK, which had no confidence in Bhavani Singh. Anbazhagan, therefore, approached the Supreme Court.

A three-member bench headed by Justice Dipak Misra and consisting of Justices R.K. Agrawal and Prafulla C. Pant ruled on April 27, 2015, that the Tamil Nadu government (that is, the DVAC) "had no authority" to appoint Bhavani Singh as the SPP in the case. It asserted that only Karnataka, the sole prosecuting agency in the appeals, "was authorised to appoint the Public Prosecutor". The bench directed Anbazhagan and the Karnataka government to file their written arguments before Justice Kumaraswamy by the next day, April 28. The Karnataka government brought back Acharya as the SPP to the consternation of the four accused. Acharya and Anbazhagan submitted their written arguments well before the deadline.

On May 11, 2015, Justice Kumaraswamy gave an "exhaustive and also thoroughly exhausting" judgment, as Sanjay Hegde, a Senior Advocate of the Supreme Court, called it, acquitting all the four accused in

the case. The judge did his own calculation and concluded that the disproportionate assets accumulated by the accused were only 8.12 per cent above their known sources of income. He cited a Supreme Court ruling in the Krishnanand Agnihotri case that when the disproportionate assets were less than 10 per cent, the accused could be acquitted. The next day, Acharya exposed a "glaring arithmetical error" in Justice Kumaraswamy's verdict. Justice Kumaraswamy had not only decided that the 10 bank loans taken by the accused were income but wrongly tallied them at Rs.24.17 crore. The correct total was Rs.10.67 crore. So Acharya said the disproportionate assets worked out to 76.70 per cent, 7.6 times more than the limit allowed in the ruling in the Krishnanand Agnihotri case.

After the Karnataka High Court acquitted Jayalalithaa, she contested a byelection from R.K. Nagar constituency in Chennai and won. She became Chief Minister again.

The Karnataka government, Swamy and Anbazhagan appealed in the Supreme Court against Justice Kumaraswamy's acquittal of Jayalalithaa and her co-accused. Justice Pinaki Chandra Ghose and Justice Amitava Roy, who heard the appeals, reserved their judgment for June 7, 2016. Jayalalithaa, who took ill meanwhile, died on December 5, 2016. So the Karnataka government's, Anbazhagan's and Swamy's appeals against her acquittal stood abated.

On February 14, 2017, Justices Ghose and Roy found Jayalalithaa, a public servant, guilty of amassing wealth beyond her known sources of income and the others for abetting her in this. They quashed Justice Kumaraswamy's order and restored trial judge D'Cunha's conviction and sentencing of the co-accused "in toto". Sasikala, Sudhakaran and Ilavarasi are back in the Central Prison Complex at Parappana Agrahara. Sasikala cannot contest elections for 10 years. And the dream of Sasikala, who was on the cusp of becoming Tamil Nadu Chief Minister, lies shattered. □

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Constitution & successions

It is hard to question the procedure that was followed by the Governor in Tamil Nadu, harder, still, to be pleased with the result. BY A.G. NOORANI

*It will be recorded for a precedent/
And many an error by the same example/
Will rush into the State.*

EVERY word of Portia's famous lines in Shakespeare's *Merchant of Venice* applies to the Supreme Court's order in *Jagdebika Pal vs Union of India* & Ors. [(1999) 9 Supreme Court Cases 95]. The respected law reports properly published it as "Records of Proceedings". It is not a judgment. It is an *ad hoc* order to tick over on a crisis. It was given on February 24, 1998, by Chief Justice M.M. Punchhi and Justices S.C. Agrawal and K.T. Thomas, without much argument at the Bar on constitutional issues. That did not inhibit this three-member bench from inventing a doctrine unknown to constitutional law, "a composite floor test".

This has been much touted in debates on the recent succession contest in Tamil Nadu following the death of Chief Minister J. Jayalalithaa.

The order, made to tide over a crisis, runs into a mere four paragraphs, of which the first is relevant. It reads thus: "On hearing them (counsel), the order which commends to us is as follows: (i) A special session of the Uttar Pradesh Assembly summoned/convened for 26.2.1998, the session commencing forenoon. (ii) The only agenda in the Assembly would be to have a composite floor test between the con-

tending parties in order to see which out of the two contesting claimants of chief ministership has a majority in the House. (iii) It is pertinently emphasised that the proceedings in the Assembly shall be *totally peaceful and disturbance, if any, caused therein would be viewed seriously*. (iv) The result of the composite floor test would be announced by the Speaker faithfully and truthfully." (Emphasis added, throughout). We all know what happened on February 18, 2017.

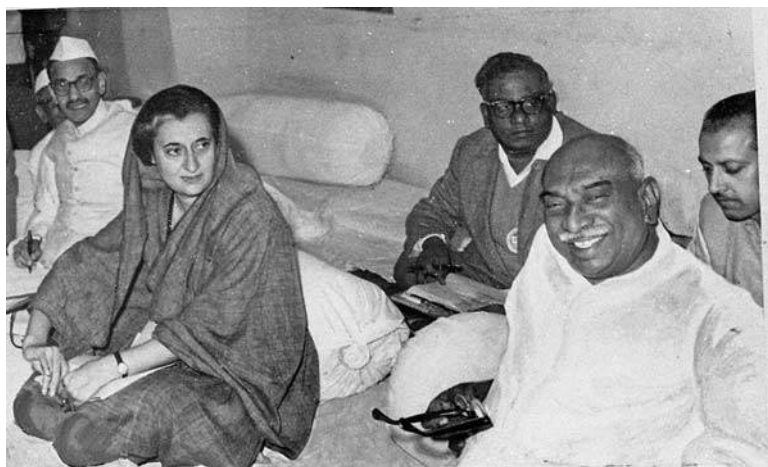
Whoever gave their Lordships this bright idea of a "composite floor test"? It is unknown to constitutional law. The order does not constitute a precedent. The Constitution makes a clear distinction between judgments and orders. Orders are made either at the end of a judgment, in order to give effect to its findings on law and on facts, or they are made on an application pending the hearing of the case in situations of urgency; equities are balanced and an order follows. Article 141 of the Constitution says: "The law declared by the Supreme Court shall be binding on all courts within the territory of India." The law is declared in a judgment, after hearing the parties fully. It is not declared in an order or a decree of the court. Article 142 refers to the enforcement of orders and decrees of the Supreme Court.

The order in *Jagdebika Pal*'s case did not declare the law. This, apart from the fact that the bench—a

three-member one at that—did not consider precedents and gave no reasoned judgment but invented a doctrine by its own *ipse dixit*.

The framers of the Constitution had an option. They could have adopted Article 63(1) of the Basic Law of the Federal Republic of Germany, which was promulgated on May 23, 1949, while the Constituent Assembly of India was still at work. It provides for election: "The Federal Chancellor shall be elected by the Bundestag without debate upon the proposal of the Federal President." He makes the initial choice; the Bundestag (lower House of Parliament) ratifies it or rejects it. Article 90(2A) of the Constitution of Pakistan provides for election of the Prime Minister straightaway without a "proposal" from the President.

The framers of India's Constitution followed the British model. Article 75(1) of the Constitution simply says that "the Prime Minister shall be appointed by the President". There is an identical provision in respect of the Chief Ministers in Article 164(1). They are based on an understanding of the recognised conventions of the British parliamentary system. That was made clear in the Constituent Assembly and has been recognised by the Supreme Court (*Ram Jawar Kapur vs The State of Punjab* AIR 1959 Punjab 549 and *S.C. Advocates on Record Association vs Union of India* (1993) 4 SCC 441 at page 656, paragraph 353).



THE HINDU ARCHIVES

FEBRUARY 9, 1966: Prime Minister Indira Gandhi with the then Congress president, K. Kamaraj, at a CWC meeting in Jaipur. The previous month, she had emerged as the CPP leader in a straightforward contest.

The Chairman of the Drafting Committee of the Constituent Assembly, Dr. B.R. Ambedkar, explained the correct constitutional position authoritatively in the Assembly on December 30, 1948: “Under a parliamentary system of government, there are only two prerogatives which the King or the Head of the State may exercise. One is the appointment of the Prime Minister and the other is the dissolution of Parliament. With regard to the Prime Minister it is not possible to avoid vesting the discretion in the President. The only other way by which we could provide for the appointment of the Prime Minister, without vesting the authority or the discretion in the President, is to require that it is the House which shall in the first instance choose its leader, and then on the choice being made by a motion or a resolution, the President should proceed to appoint the Prime Minister.”

Mohammed Tahir asked: “On a point of order, how will it explain the position of the Governors and the Ministers of the State where discretionary powers have been allowed to be used by the Governors?”

Ambedkar: “*The position of the Governor is exactly the same as the position of the President* and I think I need not over-elaborate that at the present moment because we will consider the whole position when we

deal with the State Legislatures and the Governors” (*Constituent Assembly Debates*, Volume VII, page 1158). Debates on Chief Ministers do not take into account the fact that the principles they propound will apply to the Prime Minister one day.

As a matter of fact, the Drafting Committee had drawn up two Instruments of Instruction for the Guidance of the President and the Governors. The Instrument for the President (Schedule III-A) was referred to in the draft Article 62. Paragraph 2 said: “In making appointments to his Council of Ministers, the President shall use his best endeavours to select his Ministers in the following manner, that is to say, to appoint a person who has been found by him to be *most likely to command a stable majority* in Parliament as the Prime Minister, and then to appoint on the advice of the Prime Minister those persons (including so far as practicable members of important minority communities) who will best be in a position collectively to command the confidence of Parliament.

“In all matters within the scope of the executive power of the Union, the President shall in the exercise of the powers conferred upon him be guided by the advice of his Ministers.”

This was fully in accordance with the practice in Britain, Canada and Australia. It was unwisely dropped at

the very last moment on October 11, 1949, a little over a month before the Constitution was adopted. Had it been adopted, it would have spared us all the rancorous debates between 1969 and 1979. The subject has been most ably analysed by Justice M.M. Ismail of the Madras High Court in his book *The President and the Governors in the Indian Constitution* (Orient Longman, 1972). Justice Ismail was a great judge of high integrity and erudition. A Tamil scholar, he had translated the Ramayana. It is a measure of the depths to which Indira Gandhi could stoop that she transferred him, without cause, to another High Court. He resigned and the judiciary lost one who was an ornament to the institution.

The instrument enjoined the President to act on an honest belief, based on his soundings, as to the *likelihood* of the nominee’s ability to command a majority in the House. Actual proof is not required. Parades of legislators and the furnishing of lists are not required either. In the *S.R. Bommai* case (1994) 3 CCC 1, four of the nine Judges pronounced emphatically in favour of floor tests. Justice S.C. Agrawal was one of them. He was also on the three-member bench in the Jagdambika Pal case which did *not* refer to the Bommai case. None of those nine judges spoke of “composite floor test”, nor did the three judges who did spell out its essentials.

We have a strange tendency to set about reinventing the wheel every time a “constitutional crisis” arises, as if it had no precedent and no guidance was to be found in works of authority on constitutional law. India has known three successions after the death of a Prime Minister in office—Jawaharlal Nehru in 1964, Lal Bahadur Shastri in 1966 and Indira Gandhi in 1984— not to forget Tamil Nadu Chief Minister M.G. Ramachandran’s death in 1987.

Ivor Jennings’s classic *Cabinet Government* (third edition) says: “The Queen has a real discretion only where the retiring or *deceased* Prime Minister has no accepted second-in-command ready to step into his shoes. In 1923, as we have seen, Ge-

orge V had to choose between Lord Curzon and Mr Baldwin. In 1908, however, Mr Asquith, who had acted as Sir Henry Campbell-Bannerman's deputy during his illness, was the obvious and inevitable successor. In 1935 Mr MacDonald was the leader of a coalition government in which the Conservatives had an immense majority. When he resigned (and it appears that he was forced to do so by the pressure of his Conservative colleagues) George V had no alternative but to send for Mr Baldwin, the Conservative leader, who was already in effective control of the Cabinet. ... When Mr Chamberlain resigned in 1940, however, the King's choice was really determined by the Labour Party. It was necessary to appoint a Prime Minister who could secure the support of the Labour leaders and form a 'truly national' government. They were not prepared to serve under Mr Chamberlain or any of the 'men of Munich'. Mr Churchill had attacked the Munich policy, had not been considered responsible for the disaster in Norway (though as First Lord of the Admiralty he had accepted his share of collective responsibility), and was acceptable to the Conservative party as well as to the Labour Party. Effectively, the King had no choice. *If there is a Deputy Prime Minister he has a sort of claim, not necessarily conclusive but nevertheless strong, to the succession.*" Jayalalithaa did not name Sasikala as her successor. She knew she was in poor health.

To continue: "Clearly the leader of the House and the temporary chairman of the Cabinet have claims, but they are far from conclusive, as Lord Curzon discovered. The Queen has a discretionary prerogative, and her selection cannot be forced by action by the Prime Minister. On the other hand, her task is to form a government which the party majority will follow; and the claims tend to harden into claims of right as the Leader of the House or the acting chairman of the Cabinet becomes more and more clearly acceptable to his party."

In the instant case, O. Panneerselvam was head of a caretaker gov-

ernment on his leader's death. His choice in that capacity none questioned since he had occupied the post earlier too. But this did not impart finality to his claims, especially since the party split.

His initial resignation was proper. So was Governor Ch. Vidyasagar Rao's action in taking time for a final choice. As that eminent authority Professor A. Berriedale Keith held, "resignation is in law not a cessation of tenure of office" and "a Prime Minister and his colleagues by constitutional practice remain at their posts, pending the moment when a new Ministry is constituted and is prepared to take over; should the Prime Minister die in office, the rest of the Ministers likewise remain in office until the new government is constituted." The T.V. anchors and some of their invitees, even less educated than their hosts, should have saved their disquiet for another occasion.

CARETAKER GOVERNMENTS

This is what Professor Geoffrey Marshall and G.C. Moodie said on similar cases: "The operations of government are regularly suspended in large part for about three weeks from the announcements of a general election until after the result of it is known. Those periods of suspension have not caused the heavens to fall, and it is difficult to see why a longer period during which coalition negotiations were held after the return of a hung Parliament would invite catastrophe. The period itself is scarcely crucial: in 1979, for example, the suspension lasted five weeks from the fall of the Callaghan government to the return of its Conservative successor, and during that time the Labour government acted as a caretaker administration, introducing a minimalist Budget and Finance Bill after discussions with the Opposition. And in 1945 Churchill formed a caretaker Conservative government on the break-up of the war coalition which governed for two months until the overseas election results were declared. A closer analogy is in the six-week interregnum between the 1923 general election and MacDonald's appointment in

1924. In all three cases necessary administration continued. The other situation of suspension occurs when a Prime Minister wishes to resign so as to make way for a successor from his government. For example, the Wilson-Callaghan transfer in 1976 took three weeks, and the Wilson government remained throughout effectively as a caretaker.

"Thus a Prime Minister whose authority is in question by virtue of a dissolution or his impending retirement (whether voluntary or otherwise) had been entirely able to preside over routine matters of government. ... indeed caretaker governments have worked well in Britain, although we have not tended to recognise caretaker governments as such, rather as Monsieur Jourdain spoke prose most of his life without knowing it" (Rodney Brazie, *Constitutional Practice*, pages 44-45).

They opined: "There was until recently one situation in which the Monarch might be called upon to exercise a degree of discretion but even this has now in practice been removed as the result of party political developments that took place between 1957 and 1965. ...

"This situation arose when a Prime Minister died in office or resigned for personal reasons, that is to say, when a vacancy occurred which was not accompanied by any change in the position of the parties. Even then, there might sometimes be no room for choice, as when Sir Anthony Eden succeeded Sir Winston Churchill. But when Sir Anthony retired in his turn in 1957, the Queen was not presented with any one obvious successor. Under such circumstances it was normally assumed that, although the Monarch would probably seek advice in order to discover what persons would be acceptable to the party in power, yet for the final choice she alone was morally and constitutionally responsible. It was clear, however, that an unwise or ill-advised Monarch might conceivably act in a manner which could be construed as partial, in that it appeared to reflect a royal preference for one particular group within the party. It is true, and important, that a

party in a majority is able to reject any selection of which it does not approve—if it is prepared to undergo the internal conflict this would probably entail. A royal ‘mistake’ is not final; but it could still harm the Monarch’s own reputation. To prevent this there must exist rules capable of serving as effective guides to action.”

A senior Labour leader, Tony Benn, recorded:

“This afternoon to the Commons and talked to Frank Barlow, the Secretary of the PLP [Parliamentary Labour Party], who told me in detail the arrangements that had been made in the event of Harold Wilson dying. The news will be conveyed to a meeting of Ministers at Number 10, which will include the heads of all Departments, i.e. Ministers of Cabinet rank, as well as Cabinet Ministers themselves. Though there is no Deputy Prime Minister, George Brown is Deputy Leader of the Parliamentary Labour Party and will therefore have Harold’s party responsibilities.

“Bowden as leader of the House would be responsible for informing the House. As soon as Ministers know, letters or telegrams will be sent to every Commons Member of the Parliamentary Labour Party. A meeting will be summoned within twenty-four hours if the House is sitting or within forty-eight hours during a recess. No Lords will be present. At this meeting, nominations will be received and ballot papers will be duplicated on the spot. Four tellers will be appointed and the party will proceed immediately to a vote.

“It will be the usual exhaustive ballot procedure and if the first vote does not give an overall majority to one of the candidates there will be an adjournment for fifteen or twenty minutes in the same room to give candidates the opportunity to withdraw. There will then be another ballot and so on, until a new Leader of the Parliamentary Labour Party is appointed. The press will not be admitted until that is decided. The announcement will be made in a statement by Frank Barlow, as Secretary to the Parliamentary Labour Party, and will be conveyed to Sir

Michael Adeane at Buckingham Palace. The Queen has been told that she is not to summon anybody to form a government until she has heard who the new Leader is.” (Tony Benn, *Out of the Wilderness: Diaries 1963-1967*; page 263.)

In Tamil Nadu, as elsewhere in our country, such rules simply do not exist. The caretaker Chief Minister’s authority was challenged and the All India Anna Dravida Munnetra Kazhagam (AIADMK) split. The Governor took a call on February 16, 2017, and swore in Edappadi K. Palaniswami as Chief Minister.

In 1984 there was little doubt as to Rajiv Gandhi’s succession on his mother’s assassination. Indira Gandhi had groomed him for four years following Sanjay Gandhi’s death in 1980. Pranab K. Mukherjee paid heavily for his loud musings on the plane ride back from Calcutta (Kolkata) because none doubted the ambitious streak in him. It came into full play in 2012 with inspired articles in the press in his support.

SUCCESSION TROUBLES

A split, however, was very evident in 1964 and 1966. On both occasions Morarji Desai threw his frayed Gandhi cap into the ring from the word go. On both occasions, he lost. Those were times when a foreigner enjoyed greater access to the high and mighty across the political divide. Michael Brecher was one of them. His book *Succession in India* is based on interviews with the entire gang of operators. In 1964 and in 1966, the arch hypercritic Gulzari Lal Nanda became acting Prime Minister and sent feelers for permanence amidst copious tears and profuse fealty to his high Gandhian principles like Moraji, but without the tears.

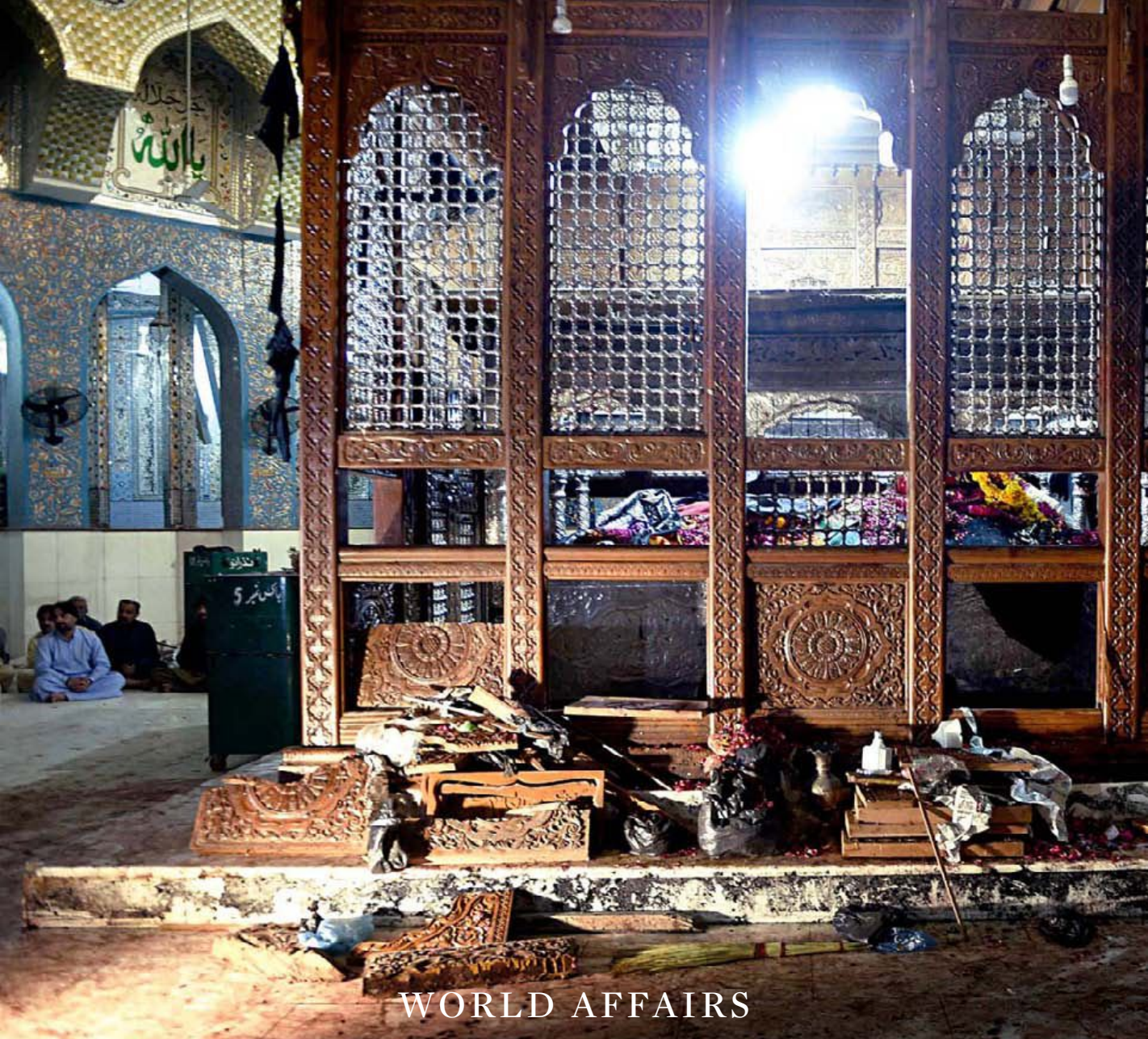
On both occasions Congress president K. Kamaraj acted with aplomb. In 1964, the Congress Working Committee (CWC) led the way. It authorised Kamaraj to take the soundings by consulting members of the CWC, office-bearers of the Parliamentary Party, Chief Ministers and “such other Congress MPs as he may desire to meet”. The Parliamen-

tary Party asserted itself. But it was Kamaraj who presided over it on the crucial day. At the end of a “perfunctory” exercise in soundings, Kamaraj told the CPP: “Lal Bahadur Shastri”. Morarji felt tricked. The ritual of acceptance by Parliamentary Party was performed after this necessary exercise. Congress culture had triumphed. It came to envelop all the Jana Sanghis, Socialists and Communists. It reflected, after all, our dear *desi* culture.

In 1966 there was a straightforward election. On January 19, 1966, 350 Congress MPs voted in favour of Indira Gandhi; 169 were for Moraji. It was the trickery in the “election” of V.P. Singh as leader of the Janata Dal, after Devi Lal stepped down as arranged, which drove Chandra Shekhar to vow to topple him. He did so only to be ousted before long by a Rajiv Gandhi who had deceived President R. Venkataraman—characteristically.

Trickery never pays. It remains to be seen how the partisans in Tamil Nadu’s contest will behave. The only sure test was the traditional vote of confidence in the Assembly. That happened on February 18. O. Panneerselvam lost but in questionable circumstances. However, constitutional norms, let alone the text, must not be tweaked to secure a favourable result. It is hard to question the procedure that was followed by the Governor, harder, still, to be pleased with the result. The Chief Minister is an avowed henchman of V.K. Sasikala, who is serving time in jail on her final conviction by the Supreme Court on February 14, for amassing the people’s money by defrauding them.

It remains to be seen how the people will react as that verdict sinks into their consciousness. Politically, Tamil Nadu is split. None can confidently assert whether public opinion will accept the new Chief Minister. As Winston Churchill said in the House of Commons on June 2, 1931: “No government which is in a large minority in the country, even though it possess a working majority in the House of Commons, can have the necessary power to cope with real problems”. □



TENTACLES OF TERROR

The growing terrorist threat in Pakistan and Afghanistan is blamed on the Pakistani [political-military establishment's encouragement](#) of terror groups that are amenable to its guidance and support. BY JOHN CHERIAN



ASIF HASSANI/AFP

A SECURITY OFFICIAL collects evidence at the Sufi shrine of Lal Shahbaz Qalandar in Sindh province on February 17, the day after a bomb attack there.

PAKISTAN AND AFGHANISTAN HAVE IN RECENT weeks and months witnessed a wave of terrorist incidents in which hundreds of people died. Most of the attacks have been the handiwork of the Islamic State (Daesh) and point to the fact that the lethal terrorist group has sprung roots in the subcontinent. The Daesh was quick to claim responsibility for the suicide attack on the Lal Shahbaz Qalandar, an 800-year-old Sufi shrine situated in Sindh province in Pakistan, in the third week of February, in which more than 80 worshippers, among them 20 women and eight children, were killed.

The last big attack on a Sufi shrine was in November last year when a suicide bomber struck at the shrine of

Shah Norani in Balochistan province. Sufism is considered un-Islamic by the hard-line Sunni outfits that spearhead terror in the region. Terror groups such as the Daesh consider Sufis apostates on a par with the frequently targeted Shia minority.

In the week before the attack in Sindh province, four terror attacks took place on Pakistani soil. On February 13, a suicide bomber targeted a peaceful rally outside the State Assembly in Lahore, killing 13 people and injuring at least 85. Two days later, a suicide bomber targeted a government compound. The next day there was an improvised explosive device (IED) attack on a military convoy. A breakaway group of the Pakistani Taliban calling itself the Jamaat-ul-Ahrraar (JuA) claimed credit for all the attacks. The Pakistani government had previously claimed that the back of the militants had been broken after the military operation “Zarb-i-Azb” in 2014 to flush out the militants in the tribal areas. The current upsurge in violence has been the worst since terrorist attacks peaked three years ago.

The Afghan Taliban, which is close to the Pakistani political-military establishment, is a sworn enemy of the Daesh and has fought pitched battles with it over territory in Afghanistan. According to American intelligence estimates, the majority of the Daesh fighters in Afghanistan and Pakistan are former members of the Tehreek-e-Taliban Pakistan (TTP). Many of them hail from Pakistan’s Orakzai Tribal Agency. Since the Daesh’s announcement two years ago recognising the so-called “province of Khorosan”, comprising Afghanistan, Pakistan and parts of north India, it has managed to get a foothold in the region. Other radical groups in Pakistan, such as the Lashkar-i-Jhangvi al Alami (LIA), the JuA and the Jundallah, have pledged their allegiance to the Daesh. The JuA claimed responsibility for the attack on a military-run school in Peshawar in December 2014 that killed more than 141 people, most of them schoolchildren. The group carried out another attack last year on a military academy, resulting in the death of 62 cadets.

The Pakistan government has tried to blame the Afghan government for the terror attacks that have badly shaken the nation’s morale. Adherents of the Sufi order said they had sought better protection for their shrines following repeated threats from the Pakistani Taliban. Islamabad issued a strong warning to the government in Kabul. Immediately after the heinous attack on the Sufi shrine in Sindh, Afghan diplomats were summoned to the Pakistani military headquarters in Rawalpindi and handed a list of 75 “wanted terrorists” allegedly holed up in Afghan territory. Islamabad claims that Afghanistan provides “safe sanctuaries” for terrorist groups targeting its territory.

As things stand, the Afghan government has only a tenuous hold on large swathes of its territory. Pakistani officials have also accused India of playing a part, in tandem with the Afghan government, in stoking terrorism on its soil. There is suspicion in Islamabad that the recent terror attacks were aimed at unsettling the ambitious China-Pakistan Economic Corridor (CPEC), which



AKHTAR SOOMRO/REUTERS

AT THE FUNERAL of a relative who was killed in the Lal Shahbaz Qalandar shrine.

is a key part of Beijing's ambitious One Belt One Road (OBOR) initiative. Maj. Gen. Asif Gafoor, Director General of Inter Services Public Relations, said the "recent terrorist acts are being executed on directions from hostile powers and from sanctuaries in Afghanistan".

Pakistan Army chief Gen. Qamar Javed Bajwa ordered a nationwide sweep of suspected terrorists. The army's publicity wing claimed that more than a hundred hard-core terrorists were eliminated within days following the latest terror attack. The border with Afghanistan was ordered closed, and reports spoke of heavy cross-border shelling from the Pakistani side.

The Afghan government lodged a formal protest with Islamabad over the shelling and also demanded that Pakistan take tough action against terror groups operating on its territory. But the growing consensus within Pakistan is that the growing terrorist threat is more a result of the Pakistani political-military establishment's encouragement of certain terror groups that were amenable to its guidance and support. It is well known that the Afghan Taliban and separatist groups in Kashmir receive support from the Pakistani establishment.

MILITARY COURTS

According to reports, Pakistan Prime Minister Nawaz Sharif, along with many prominent civil society personalities, wants the powerful military establishment to take tough action against militant and fundamentalist groups in the country. At the same time, the Sharif government has called for the continuation of military courts that can dish out speedy justice for those involved in terrorist activities. The military courts for trying civilians charged with committing acts of terror stopped functioning at the beginning of this year. The Pakistani parliament had sanctioned only a period of two years for the military courts.

The government has sought a three-year extension for the military courts on the grounds of the grave threat posed by terror groups to the fabric of the state. Many Pakistanis felt that this could lead to the military tightening its stranglehold on the country's politics. Allowing the military to try civilians is in itself a grave distortion of democratic principles. There was a great deal of opposi-

tion in the parliament to the government's move until recently. But after the latest attack on the Sufi shrine in Sindh, opposition to the need for military courts has lessened considerably. In January, the JuA, on behalf of the Daesh-affiliated terrorist alliance, announced the launch of "Operation Ghazi". The terror group warned that it would target government and military institutions, non-Islamic political parties and religious minorities. A short time after the announcement, the spate of attacks started.

The Punjab State government which is run by Shahbaz Sharif, the younger brother of the Prime Minister, has included the name of Jamaat-ud-Dawa (JuD) chief Hafiz Mohammed Saeed in the fourth schedule of the Anti-Terrorism Act. The Act allows the government to "proscribe" the activities of individuals thus named. This followed the government's decision to place Saeed under house arrest on January 31.

After the recent wave of terror attacks, Pakistan may be forced to adopt a "zero tolerance" policy towards all militant and terrorist groups, even those involved in the Kashmir struggle. The United States and India have both demanded action against Saeed and the JuD. The United Nations Security Council declared it a "terrorist organisation" in 2008 and imposed sanctions on it. In 2014, the U.S. State Department labelled the JuD "a foreign terrorist organisation".

India has been demanding Saeed's arrest for quite some time now. Sections of the Pakistani media claimed that Beijing could have played a role in pressuring Islamabad to act on Saeed. The issue caused unnecessary friction between India and China. The U.S. had also threatened sanctions on Pakistan on the issue. Pakistani politicians, including ruling party parliamentarians, also questioned the government about its links with groups such as the JuD. "Which egg is Hafeez Saeed laying for us that we are nurturing him?" asked Rana Muhammad Afzal, a parliamentarian belonging to the ruling Pakistan Muslim League (Nawaz).

The scourge of terrorism is likely to endure in the region until complex issues relating to Afghanistan and Kashmir are resolved amicably. Balochistan is another potential flashpoint. In Afghanistan, the Taliban is proving its resilience. In the recently held six-nation talks in Moscow, to which India was also belatedly invited, the majority view was that negotiations should be conducted with the Afghan Taliban to establish a durable and lasting peace. Only Afghanistan and India were opposed to the idea of holding talks with the Taliban. Russia, Iran, China and Pakistan were in favour of talks.

As far as Kashmir is concerned, the Indian government has postponed talks with Pakistan on one pretext or another. The Indian Army chief Gen. Bipin Rawat's statement that Kashmiri civilians would be in the line of fire if they tried to disrupt army operations did not help matters. Many commentators started drawing parallels between India's handling of the insurgency in Kashmir and Israel's treatment of Palestinians in the occupied territories. □

Receding hope

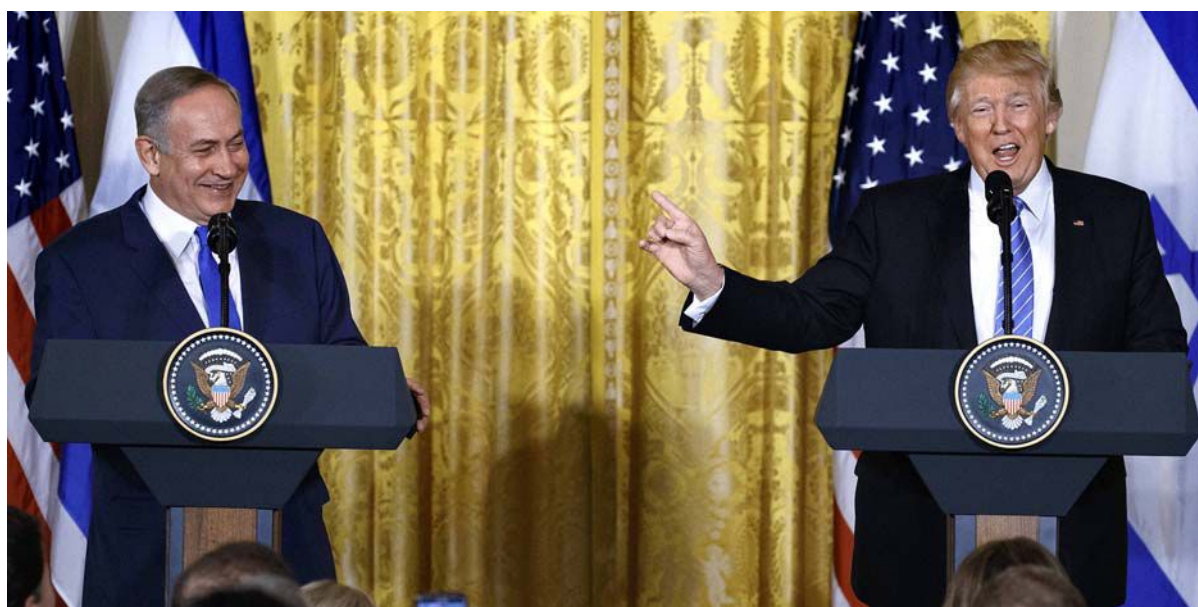
Donald Trump expresses support for a one-state solution, which would mean the **permanent subjugation of the Palestinian people** and accelerated alienation from their homeland. BY **JOHN CHERIAN**

UNITED STATES PRESIDENT DONALD TRUMP seems determined to give the occupied territories to the Israelis on a platter and junk the two-state solution, if the statement he made at a joint conference he addressed with Israeli Prime Minister Benjamin Netanyahu is any indication. He seemed to go back on more than 20 years of stated American policy supporting a two-state solution to the Israeli-Palestinian conflict that has raged for the past seven decades. Trump said he was looking at both “the two-state and one-state solution”, and added that he would accept either solution if the two parties involved in the conflict agreed. It was the first time a U.S. President had openly expressed support for a one-state solution to the conflict. A one-state solution, which is what the Israeli state has been building a case for, would mean the permanent subjugation of the Palestinian people and accelerated alienation from their homeland.

Netanyahu exulted when Trump won the presidency, especially after his statement that he would shift the American embassy to Jerusalem. On the campaign trail, Trump promised to be “the most pro-Israeli President in history”. After his swearing-in as President, better sense seems to prevail in the corridors of power in Washington. There at least seems to be no rush to shift the embassy to Jerusalem. East Jerusalem is the designated capital of the state of Palestine.

But Palestinians continue to be deeply suspicious of the Trump presidency since avid supporters of the Zionist project now play an active role in the Trump administration. Among them is Trump’s son-in-law, Jared Kushner, who is now an adviser to the President. Kushner’s father has donated generously to the right wing in Israel, including to settlement projects in the West Bank.

As soon as Trump was sworn in, the Israeli govern-



EVAN VUCCI/AP

U.S. PRESIDENT Donald Trump during a news conference with Israeli Prime Minister Benjamin Netanyahu in Washington on February 15.



PALESTINIANS climb over Israel's controversial separation wall between the West Bank village of Bilin near Ramallah and the Israeli settlement of Modiin Ilit during a demonstration against settlements in the area on February 17.

ment announced plans for further settlements in the occupied territories, in Jerusalem as well as the West Bank.

The President-elect had chosen David M. Friedman, a known Zionist hawk who helped raise millions of dollars for illegal Jewish settlements in the occupied territories, as his Ambassador to Israel. Trump belatedly and almost half-heartedly remarked in February that the continued building of settlements was “not good” for the peace process. At a joint press conference that he addressed with Netanyahu, Trump urged the Israeli leader “to pull back on the settlements a little bit”.

The Israeli parliament in February approved a new “Settlement Bill” that retrospectively recognises all the settlements built illegally on Palestinian land. Many Israeli commentators described the law as the “last nail in the coffin” for a two-state solution.

Before the Bill was passed, Netanyahu, giving up any pretence of support for a two-state solution, declared that Israel would continue building settlements in the occupied territories. The passage of the Bill will give Israel the power to confiscate Palestinian land at will. Dan Meridor, a former Minister who served under Netanyahu, described the new law as “evil and dangerous”. The opposition leader Isaac Herzog said the law would leave

the international community no option but to take Netanyahu and company to the International Criminal Court (ICC).

The Israeli government is already celebrating the demise of the two-state formula for a lasting peace in the region. Netanyahu never once uttered the words “two states” during his joint press appearance with Trump. The Israeli Prime Minister told the media in Washington that the “settlements issue” was not “the core of the conflict” and expressed his confidence that he and Trump would arrive at an understanding on the issue very soon. “Netanyahu received exactly what he wanted from the American president,” Sima Kadmon, an Israeli commentator, said in a newspaper column. Trump had refused to take calls to meet the Palestinian leadership from the time he was elected President until he met the Israeli Prime Minister. A Palestinian delegation that had come to meet Trump in December had to leave after waiting in vain for an appointment for more than a fortnight. Saeb Erekat, the Palestine Authority’s (P.A.) chief contact person with Washington, told the media that the Trump transition team did not even bother to respond to messages. Previous U.S. Presidents spent hundreds of hours talking to Mahmoud Abbas, President of Palestine. One of the first acts of the Trump adminis-



ABBAS MOMANI/AFP

tration was to suspend a grant of \$221 million in humanitarian aid for the beleaguered Palestinians in the occupied territories. Since the time of the Oslo peace deal, the Palestinian leadership has placed all its faith on the U.S. in the quest to achieve full statehood. The U.S. became the sole arbiter in the spluttering peace talks between Israel and Palestine for the last two decades. Trump's undisguised support for a "one state" solution came on the heels of a conference in Paris on Palestine that was attended by more than 70 countries. The conference issued a statement warning that the two-state solution envisaged in the Oslo accords of 1994 and the ongoing peace process was imperilled by the expansion of Jewish settlements on Palestinian land. One of the newly announced settlement blocs lies in the heart of Palestinian territory. The European Union has reiterated its support for the two-state solution, with the pre-1967 borders as the basis for negotiations.

The veteran Palestinian diplomat Hanan Ashrawi said the latest moves by the Israeli government once again highlighted the fact that it was "more committed to land theft and colonialism than to the two-state solution". Top Palestinian officials said the only alternative to a two-state solution was one state in which Jews, Muslims and Christians enjoyed equal rights, not an apar-

theid state that right-wing Jewish politicians envisaged. Saeb Erekat called on the international community "to stand shoulder to shoulder" with Palestinians in their search for a just and honourable solution.

"We want to tell those who want to destroy and bury a two-state solution that the real alternative to a Palestinian state living alongside an Israeli one on the 1967 lines is a secular democratic state in which Jews, Christians and Muslims can live together," he said. Erekat reminded the international community that recognising Israel itself was a great sacrifice on the part of the Palestinians. The two-state solution, he said, "represents a painful and historic Palestinian compromise of recognising Israel which has taken over 78 per cent of Palestinian land".

Michael Pompeo, director of the U.S. Central Intelligence Agency (CIA), was in Ramallah around the time the Israeli Prime Minister was visiting Washington. He was evidently dispatched to soothe the frayed nerves of the P.A. leadership. Any renunciation of the two-state solution by the U.S. could sound the death knell for the Fatah leadership in the West Bank. The Palestinian on the street will not take things lying down if Israel abandons the peace process. Mahmoud al-Zahar, one of the senior-most Hamas leaders, said that Mahmoud Abbas was wasting his time and the time of the Palestinians and in the process "helping the Israelis expand their settlements". He went to the extent of describing the Palestinian President as "a traitor".

The experience of minorities in the Jewish state of Israel is no advertisement for a "one state" solution. Palestinians constitute one-fifth of the population but own only 2.5 per cent of the land. More than 700 towns and cities have been built for the Jews in Israel. No such urban development has been earmarked for Palestinians, who continue to languish in overcrowded urban and rural ghettos. Many Arab villages are not recognised by the Israeli authorities. Many have been uprooted to make way for Jewish homes. In the occupied West Bank and Jerusalem, the total number of Jewish settlers is more than 750,000 today. The numbers have tripled since the Oslo accords were signed. The United Nations has estimated that 250,000 Palestinians have been expelled from the occupied territories since the 1967 war. In December, the Security Council had passed a resolution condemning the Israeli settlements in the occupied territories, describing them as "a flagrant violation of international law". All Israeli settlements in the occupied territories are illegal under international law, as the latest Security Council resolution re-emphasised. The Obama administration had allowed the resolution to pass, breaking with the U.S. practice of vetoing resolutions that were even mildly critical of Israel. John Kerry, Secretary of State under Obama, on his last visit to Israel, issued a dark warning about Israel's policies saying that the "status quo is leading toward one state and perpetual occupation". U.N. Secretary-General Antonio Guterres, has also weighed in against abandoning the two-state solution. He said there was "no alternative solution" for the Israel-Palestine dispute. □

Game of thrones

It was perhaps reasonable for Trump to consider what the Americans call a “reset” on its policy with Russia. But **now it would be too suspicious** if Trump strikes a deal with the Russians. BY VIJAY PRASHAD

IT IS HARD TO PREDICT WHAT WILL HAPPEN in the Trump White House. A senior diplomat tells me that he would prefer to watch old episodes of *House of Cards* rather than watch news programmes. A veteran of the Barack Obama administration predicts that President Donald Trump will not last even a few months. The rigours of the actual presidency will wear him out. Trump likes the theatre, but he will not have the stomach for the grind. Speaking to a woman in the State Department is amusing. She says that the analysts suffer from whiplash. The political direction comes from Twitter in the rush of messages dispatched from the President early in the morning but then is modulated and shaped by his advisers later in the day. “We don’t know what is going on,” she said. These are all seasoned Washington, D.C., insiders. None of them sees anything normal about the Trump White House.

It would be easier to report on the Trump presidency if it were plagued by scandals. That is familiar territory. What you have instead is a power battle inside the Trump administration that does not seem capable of being controlled. This is more *Game of Thrones* than *House of Cards*. Chief of Staff Reince Priebus is at loggerheads with Chief Strategist Steve Bannon. White House counsellor Kellyanne Conway says things that are at odds with what is reported by White House press secretary Sean Spicer. Rumours flood Washington that various factions inside the Trump administration are leaking stories in order to damage their competitors. Trump, says one insider, is content being the emperor above them, a Mortal God who allows his underlings to wage a war of all against all. Trump, in his bathrobe, eating his Big Mac on a silver plate, watching television in the dark—he is a cross between the overestimated Wizard of Oz and the omnipotent Leviathan of Thomas Hobbes.

Meanwhile, Trump’s nominees for his Cabinet to run the major Ministries of the federal government idle their time. He has sent so many billionaires with such thin resumes and such thick ideological dispositions that the

Senate, which has the right to oversee these appointments, simply cannot digest the information fast enough. The people who have taken their seats are stunningly incompetent or adversarial to their own posts. Betsy DeVos, the Education Secretary, is a billionaire who has financed campaigns against public education. Tom Price, the Health and Human Services Secretary, was a former Congressman who fought Obama’s health care plan as if it were the greatest threat to the United States. These are people with little broad credibility.

No wonder that James Mattis, the Defence Secretary, and Rex Tillerson, the Secretary of State, seem stable. Mattis believes against all evidence that Iran and the Islamic State—fundamental adversaries—are somehow allied. Tillerson, as head of Exxon, has shown little capacity for statesmanship outside corporate interest. Nonetheless, in comparison to the others, these men seem the epitome of distinction. As the ship of state splutters, these men struggle to control the tiller.

TO RUSSIA WITH LOVE

It sometimes seems as if Russia, not the U.S., won the Cold War. Democratic Party politicians continue to suggest that Russia was able to sufficiently influence the election to prevent Hillary Clinton from winning. Suggestions of contacts between the Trump campaign and Russian intelligence bedevil the political discourse. The “deep state” in the U.S.—namely the intelligence agencies—has perhaps leaked sufficient information to damage quite seriously any possibility for Trump to ease the tension between the U.S. and Russia. The resignation of Trump’s National Security Adviser, Michael Flynn, was the first casualty of these leaks. Others will follow. The “deep state”, abused in public by Trump, will not be taken lightly. He made a grave error in crossing the Central Intelligence Agency (CIA) and its more mysterious cousins. They will make Trump pay.

Meanwhile, the National Security Council is in serious disarray. Trump’s closest ideological ally, Steve Bannon, has brought politics into the heart of what is often considered as a sanctum for intelligence and military analysts. They do not want domestic politics to intervene

Diary from Trumpland



NICHOLAS KAMM/AFP

PRESIDENT DONALD TRUMP at a rally in Florida on February 18. The next day, Swedes reacted with confusion, anger and ridicule to a vague remark by Trump at the rally that suggested that something terrible had occurred in their country.

in their decision-making. This is their conceit. Bannon's presence brings American political considerations into discussions of national security. Sitting near Bannon is an art historian with no experience in the world of intelligence or security. Professor Victoria Coates writes a blog at the RedState website and helped former Defence Secretary Donald Rumsfeld on his book. Perhaps she is there because she will help Trump digest the conversations. He likes one-page presentations "with lots of graphics and maps", according to *The New York Times*. One official in the White House told the newspaper: "The President likes maps." He is a deeply visual person. Reading irritates him. His ex-wife Ivana Trump once said that beside his bed, Trump kept a copy of Hitler's *Mein Kampf*. One should rest assured that he most likely never read it.

It was perhaps reasonable for Trump to consider what the Americans call a "reset" on its policy with Russia. Tensions between the U.S. and Russia have damaged U.S. power both in Europe and in West Asia. Threats over the North Atlantic Treaty Organisation's (NATO) expansion eastward have pushed countries inside Europe to

either become more belligerent against Russia—and thereby damage relations with a major supplier of natural gas—or to move closer to Russia—and thereby threaten the unity of Europe. In the 1980s, the Soviet Union lost much of its toehold in North Africa and West Asia, particularly when the Egyptian government pivoted from the Soviet Union to the U.S. around 1979-80. Now, with U.S. policy in the region in disarray, the Russians have strengthened their position in Syria, Iran, Egypt and Libya. Trump's theory of a reset was logical from the standpoint of U.S. power. It would have served to rein in Russian ambitions. But that is now in the past. It would be too suspicious for Trump to make a deal with the Russians. The "deep state" will insist that the bellicosity be maintained. Trump will preside over the further decline of American power.

BIBI AND DONALD

Israeli Prime Minister Benjamin Netanyahu and his wife, Sarah, are in deep trouble inside Israel. They face charges of corruption and might very well see the inside of a prison cell before Netanyahu, also known as Bibi, leaves office. This was the context of their visit to the U.S., where Trump gave them a royal welcome. They were photographed inside the Oval Office, sitting on the cream coloured chairs with Trump and his wife, Melania. It was as if the Trumps and the Netanyahus had not a care in the world.

At their joint press conference, Netanyahu seemed deeply enamoured of Trump. Bibi spoke in his customary baritone voice, but he laughed in a totally uncharacteristic way—almost flirtatiously. Trump fumbled his way through a discussion about Israel's occupation of Palestine. He offered, with no real assessment, that the two-state solution was no longer U.S. policy. Netanyahu seemed to revel in this new period, with the idea that the Palestinian state was no longer on the table an appealing one for him. But this idea of the one-state solution should trouble all parties. What would it mean? No journalist was permitted to ask a question about this new reality. Would Israel annex the West Bank and East Jerusalem, both areas now treated as occupied territories under international law? If Israel does annex these areas, would the Palestinians who live there be granted full citizenship of Israel? If this happens, it is likely that the Palestinians in Israel would be in the demographic majority. The idea of the "Jewish State" would be annulled by the new facts on the ground. If Israel does not give the Palestinians full citizenship, then will the Palestinians of the annexed regions have to live in a permanent apartheid situation? Would the international community tolerate such apartheid rules? None of this was raised in the press conference, nor did the leaders explain it.

Trump was happy to be there with a man who fawned upon him. It made the press conference palatable. Facts are intolerable to Trump. He likes spin and perception. Adulation is what he requires. In a testy exchange with CNN's Jim Acosta, Trump said: "I would be your biggest fan in the world if you treated me right." □

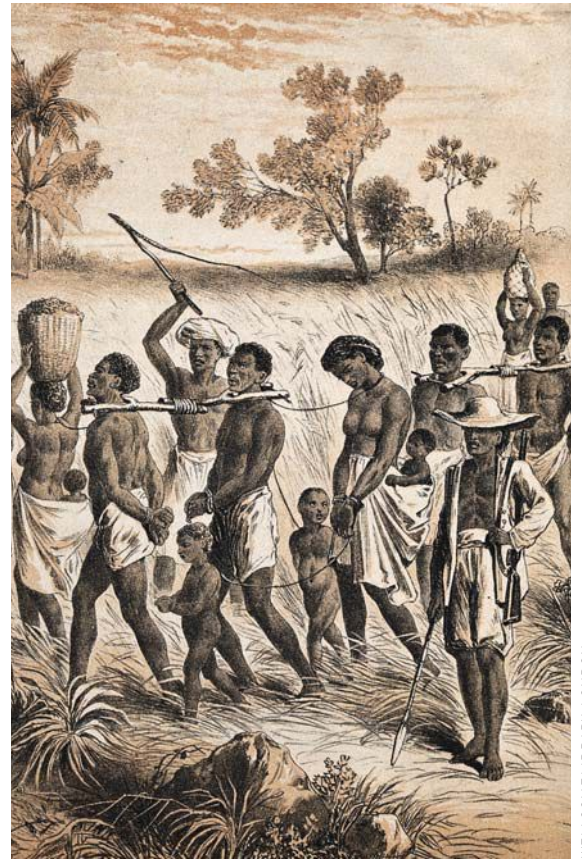
How Africa developed Europe

The end of colonialism in Africa only freed the continent politically. The continuation of the exploitative structures whose foundations were laid in the precolonial and colonial phases has meant that African underdevelopment persists to this day. BY **S.V. NARAYANAN**

AFRICA IS LOOKED DOWN ON AS A POOR underdeveloped continent, with military dictators or authoritarian rulers, a corrupt political system, poverty, malnutrition, hunger and outmigration. There are political motives behind this image creation, which completely camouflages the structural reasons for these problems. African underdevelopment cannot be comprehended fully without looking at it from a historical materialism perspective: the interaction (or forceful imposition) of capitalism over Africa from the precolonial period to now. As Rodney (1982) emphasised, African underdevelopment went hand in hand with European development. The contemporary image creation has the dual purpose of weakening resistance against the capitalist political economy within Africa and getting legitimacy and support from the imperialist's own population for any kind of intervention in the name of democracy, human rights, and so on.

PRECOLONIAL PERIOD

Even though Africa had its own communal mode of production and other kinds of societal apparatus for a



WELLCOME LIBRARY, LONDON

A LITHOGRAPH published ca. 1880 showing a group of men, women and children being taken to a slave market. Without the slave trade, the African population would have grown and contributed positively to the continent's economic development.

long time, the change in the Western political economy from feudalism to capitalism and its consequent material and labour needs brought major changes within the continent. The Atlantic slave trade, from 1519 to 1867, led to the capture and shipping of around 11.8 million (conservative estimate) people, 10 million of whom survived and were sold in the Americas. This trade took away a major chunk of the African labour force of able-bodied young men and women (Wright, 2007; Kachur, 2006).

Table 1 shows the stagnant population growth in Africa, which without enslavement would have grown and contributed positively to African economic development. Thus, the slave trade gave the European capitalist classes a starting push as their private ownership of the means of production along with free slave labour paved the way for capital accumulation. As Karl Marx

said in his *Capital: A Critique of Political Economy, Vol. I* (1979, page 751): “The discovery of gold and silver in America, the extirpation, enslavement, and entombment in mines of the aboriginal population, the beginning of the conquest and looting of the East Indies, the turning of Africa into a warren for the commercial hunting of black skins, signalled the rosy dawn of the era of capitalist production. These idyllic proceedings are the chief momentum of primitive accumulation, the necessary condition for capitalist production.”

When gold was discovered in Brazil, the supply of gold from Africa, especially Ghana (formerly the Gold Coast), was discouraged to promote the slave trade. Further, the slave trade meant that agricultural activities were deprived of human labour, which resulted in famine and starvation in many places in Africa (Rodney, 1982, page 99). The reinvestment of surplus value (profits) from the slave trade helped in the inventions and innovations that strengthened capitalism.

In Britain, by the 18th century, owing to soil exhaustion, competition from the French West Indies and the disruption of the trade in staples, and the independence of British North American colonies, the slave system was weakened. The British manufacturing sector had grown to an extent where it required more markets and was no longer dependent on the slave system for its capital needs. The British stand against the slave trade was also against trade barriers, which restricted its trade relation with other countries (Eltis, 1987). When the slave trade became incompatible with industrial capitalism, which needs free labour, a direct imperialism was forced on the African continent for further exploitation of its resources.

COLONIAL FORMS OF VIOLENCE

The Industrial Revolution shifted the focus of Western capitalism from agriculture to industries, and this made a strong case for abolishing the slave trade. The end of slave labour needed some other system that could perpetuate the extraction of profit for the capitalist system to accumulate and grow. The primitive accumulation from slavery and international trade laid the foundation for the economic boom from the 1840s to the 1870s, which industrialised the pan-European countries and strengthened the capitalist political economy. International trade increased by 260 per cent between 1850 and 1870. But, the economic boom crashed by the beginning of the 1870s, which made European countries look for new places for raw materials and markets to regain the lost profits (Roper, 2013, page 199). This led the European countries to embark on colonialism to control the African states politically and exploit them economically for the continued growth of European capitalism. Between 1870 and 1900, the entire African continent was colonised except for a few countries in it.

Colonialism encompasses various forms of violence, the dominant

one being forceful imposition of the capitalist political economy over primitive forms of political economy. Colonialism was an outcome of the contradictions of capitalism, where the falling rate of profit at a particular stage of capitalism forced countries to look for new environments or countries for the capitalist mode of production to continue exploitation and increase profits (Ake, 1981, page 19). What was needed for the full integration of Africa within the capitalist political economy was a common monetary medium for exchange and other trade activities. Local currencies such as the gold dinar, gold dust, cloth, copper, iron and cowries were used for transactions in Africa. The precolonial currencies were annihilated, the land was appropriated from local people and wage labourers were paid in European currency, the taxes imposed were to be paid in European currency, and the banking system started to transact in colonialist currency (Ake, 1981, page 32). Such measures deprived the local population of its land and subsistence agriculture, and remaining production had to be oriented towards colonial markets to pay taxes.

The proletarianisation of the peasant class led to larger scale migrations towards wage labour, which in turn generated huge profits for the colonialist. The economic interest of the metropole was satisfied, and the colony was made into a monocrop, raw material supplier to the metropole without any diversification or industrialisation. Even the colonial investment in infrastructure and other administrative systems was made mainly to ease the transport of goods and to extract maximum profit, and not with the intention of developing or providing welfare for the colonies. All the investments were made with the aim of recovering the maximum profit within the shortest time and were not written off as necessary costs for running the colonies (Ake, 1981, page 38). The annual report of the colonial advisory committee indicated that by 1939 the British had allocated around £8 million for the colonies, of which £1,51,000 was for industrialisation. But, they spent only £23,000 for industrialisation (Brett, 1973). This was a deliberate act of ignoring the industrial development in the colonies to sustain their dependency on colonial manufactured goods.

African labour was used to exploit African resources, and finally the profits were transferred for European development. Using their political and military dominance along with a concocted idea of “racial superiority”, the colonial powers were able to exploit workers to the maximum. The lower wages and poor working conditions of African workers compared with white workers showed the intensified exploitation of the former. The

shift towards cash crops for the market economy forced the majority of Africans to give up subsistence agriculture, which in turn led to hunger and famine in the continent. The Brazilian scientist Josue de Castro’s study revealed how diversified and varied agriculture production and

TABLE 1: World population (in millions)

	1650	1750	1850	1900
Africa	100	100	100	120
Europe	103	144	274	423
Asia	257	437	656	857

Source: [Rodney, 1982, page 97]

consumption was in the precolonial period, which in turn maintained food security in African societies (Rodney, 1982, page 236).

The Italian colonisation of Eritrea, initially as an agriculture colony, to overcome agricultural failure in Italy had a great impact as the colonialist appropriated the major cultivable land and deprived the local population of land and livelihood. Between 1893 and 1895, Italians appropriated around 4,12,892 hectares of land in Eritrea, which was over one-fifth of its total arable land (Mesghenna, 1988, page 101). Further, the wage difference between Italians and the indigenous people showed the nature and extent of Italian colonialist exploitation (Table 2). Industrial development was discouraged to make Eritrea dependent on Italian goods (Houtart, 1980, page 85). Thus, colonial policies that allowed the appropriating of fertile land and the proletarianisation of labour made Eritrea dependent on Italian goods, and it functioned as a mere supplier of raw materials and (almost) free labour for Italy's overall development.

When cocoa cultivation was started in Ghana in 1885, other agricultural cultivation was discouraged. In 1901, Ghana became the biggest cocoa producer in the world, whereas by 1931, cocoa constituted around 80 per cent of its exports. This affected traditional food crops, the land use pattern, and farming methods (stagnation of new farming techniques) and led to uneven development of regions and a dependence on a few export crops (Ake, 1981, page 45). Further, colonial banks utilised African savings to generate capital to be loaned to European businessmen, and all earnings in Africa were spent on importing finished goods, which deprived the continent of any accumulation and created dependency on foreign capital. The trade dependency was strengthened as colonial trade was monopolised by colonisers, where they consciously blocked development and strengthening of the indigenous bourgeoisie class in Africa. For example, Eritreans paid 63 per cent more for Italian cotton yarn, 20 per cent more for the textile, 37 per cent more for gasoline and 31 per cent more for residual fuel. In a similar manner, Italy purchased Eritrean products at a much lower price (Mesghenna, 1988, page 207). Technological innovation and inventions were not shared and implemented fully in the colony, which created technological dependence on Europeans (Ake, 1981, page 55). But, this extracted profit formed the base capital for the overall scientific and technological development in Europe, which to date perpetuates the structures of dependency.

POSTCOLONIAL PERIOD

The end of colonialism in Africa only freed the continent politically. The international economic and political system after the Second World War, in the name of liberalism and free trade, pulled together all unequal countries (in terms of development in mode of production) to compete against each other in the open market. This in turn helped the continuation of the exploitative structures whose foundations were laid in Africa in the

precolonial and colonial phases. Owing to a lack of access to technology, capital and skilled human resources, which colonialism stunted in Africa, the continent was not able to break out of the role of primary goods producer and supplier to the international market. The attempt at import substitution industrialisation (ISI) also failed and created more debt burden for African countries. Since colonialism never allowed the development of a strong bourgeoisie class in Africa, the state had to play a dominant role in the economy, and parastatals (public sector undertakings) became a common phenomenon in many states after independence (Ake, 1981, page 92). Developed countries, insisting on linear model of development based on modernisation theory, prescribed that African countries should open up their economies after independence to continue the trade relations.

The state took the dominant role in the economy because of the absence of a bourgeoisie class, and this laid the foundations for military rule or dictatorships in Africa as political control entailed control of economic resources. The struggle to control economic resources happened in the political arena among different social groups, further accentuating ethnic and other social conflicts. The oil crisis of the 1970s and its subsequent debt crisis have again opened up African economic, social and political spheres to the control of the erstwhile colonisers. Neoliberalism came to Africa in the form of structural adjustment programmes (SAPs) that insisted on trade liberalisation, investment deregulation, privatisation of public utilities, and reform in the agriculture sector, the labour market, pensions, and so on.

The Structural Adjustment Participatory Review International Network (SAPRIN) report titled *Structural Adjustment: The Policy Roots of Economic Crisis, Poverty and Inequality* (2004), which studied the impact of SAPs in Africa, Asia and Latin America, highlights that SAPs led to impoverishment and marginalisation of the local population and further led to an increase in economic inequality in countries where they were implemented. Small- and medium-sized enterprises were forced out of the market because of trade policies and financial sector reforms, which opened up the local market to international enterprises. Agriculture reforms affected the diversified cultivation and destabilised food security. Privatisation reduced real wages and further withdrawal of the state increased unemployment. Reduction in public expenditure affected the quality of health and education. The growth performance of many countries went

TABLE 2: Wage difference between Italian and indigenous labour (in lire)

	Indigenous	Italians
Manual labour	0.80 – 1.50	6.00
Mason	2.00	6.00 – 10.00
Machinist	1.20 – 2.00	6.00 – 10.00
Agriculture labour	0.80 – 1.00	5.00 – 6.00

Source: [Gioli, 1906, quoted in Mesghenna, 1988, page 140]

TABLE 3: Inflow and outflow of money from Africa (in \$ U.S. billions)

Inflows to Africa Category	Annual amount	Outflows from and costs to Africa Category	Annual amount
Official aid from OECD	29.1	Debt payments	21
Official aid from non-OECD countries	0.4	Increase in international reserve holdings	25.4
Net private grants	9.9	Multinational company profits	46.3
Loans to governments	23.4	Illicit financial outflows	35.3
Loans to private sector (both FDI and non-FDI)	8.3	Outward remittances	3
Net portfolio equity	16.2	'Brain drain'	6
Net FDI equity	23.2	Illegal logging	17
Inward remittances	18.9	Illegal fishing	1.7
Debt payments received	4.3	Climate change adaptation costs	10.6
Total	133.7	Climate change mitigation costs	26
		Total	191.9

OECD: Organisation for Economic Cooperation and Development
FDI: Foreign direct investment

Source: [Sharples, Jones, & Martin, 2014, page 7]

below the level of growth they had in the 1960s. African debt since 1980, when SAPs were implemented, has increased 400 per cent. Poverty worsened, with more than 48 per cent of the population living in absolute poverty (Fisher, 2001, page 199).

The report titled *Honest Account? The True Story of Africa's Billion Dollar Losses*, prepared by Health Poverty Action and others, points out that around \$134 billion comes into Africa in the form of loans, foreign investment and aid every year and around \$192 billion goes out in the form of profits of multinational companies, tax evasion, and so on, resulting in a loss of \$58 billion every year for Africa (Sharples, Jones, & Martin, 2014). This shows how the surplus extraction from Africa that started in the precolonial period is continuing in a different form, keeping the continent underdeveloped. The weak local bourgeoisie in Africa is acting as comprador to international finance capital, which drains the surplus value (profit) out of Africa and deprives it of any reinvestment.

Inequality is a functional component of the capitalist political economy as it has to appropriate wealth from one section of the population or one region of the world to another section or region to accumulate profit. This process of accumulation at the international level created development in pan-European countries and at the same time created underdevelopment in Africa and other Third World countries. The exploitation and underdevelopment of the African continent for centuries have created a situation where different ethnic, religious and tribal groups fight each other to control political power, which gives them access to economic resources. This in turn has led to civil wars, which have displaced huge numbers of people and forced huge numbers to migrate to the West. Thus, by nature capitalism can sustain or grow only by exploiting weaker sections of the population at the national level, and weaker or underdeveloped nations at the international level. So, trying to find a solution for African underdevelopment within the framework of the capitalist political economy seems to be an oxymoron. □

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The article is a modified version of the paper titled "Capitalism as 'Profit Chameleon': The Political Economy of African Outmigration and Refugee Crisis" that the author presented at the International Conference on Eritrean Studies on July 20-22, 2016, in Asmara, Eritrea.

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For affordable stents

The fixing of ceiling prices for stents is **much delayed and is at best a piecemeal intervention** in a health-care industry that continues to remain unconscionably unregulated. BY **T.K. RAJALAKSHMI**

ON February 16, while addressing an election rally at Hardoi, Uttar Pradesh, Prime Minister Narendra Modi announced that the government had succeeded in capping the prices of cardiac stents to make them affordable for all. The announcement came in the context of the National Pharmaceutical Pricing Authority (NPPA) fixing ceiling prices for the two main categories of cardiac stents on February 13, ensuring a drastic reduction in the markup rates to the end-consumer. The ceiling prices that include the cost of production and a trade margin are valid for a period of one year.

While the move has been welcomed by those in public health, the timing is not entirely above suspicion. It took more than two years for the prices to be brought down to affordable levels and that, too, after a Delhi High Court order as far back as on February 25, 2015, directing the government to include coronary stents in the National List of Essential Medicines (NLEM).

A cardiac stent is made typically of a metal mesh in the form of a small expandable tube to treat weak and narrowed arteries. The process of implanting a stent involves no major incisions in the procedure of angioplasty. Stents are drugs under the Drugs and Cosmetics Act, 1940.

The NLEM 2015 was notified on December 2015, but only in July 2016 were coronary stents included in the NLEM. The government set up a subcommittee to consider the essentiality of placing coronary



A BARE METAL STENT, or BMS (left), and a drug-eluting stent (DES), the two kinds of stents most widely used in India. The BMS is a mesh-like tube of thin wire without a coating. The DES is covered with a coating and slowly releases a drug in the artery in which it is introduced to block cell proliferation.

stents in the NLEM, which submitted its report in April 2016.

But it was only on December 21, 2016, a full five months after the inclusion of coronary stents in the NLEM, that the Department of Pharmaceuticals notified coronary stents as part of Schedule I of the Drug Price Control Order, 2013, paving the way for the NPPA to fix the ceiling price of stents. Within one and a half months, the exercise was done. Bare metal stents (BMSs) were to cost not more than Rs.7,260 a unit, and the maximum price of a drug-eluting stent (DES) was to be

Rs.29,600. Of the 52 stent manufacturers who submitted their prices, the rates of only nine were found to be above the ceiling price for the DES, it was reliably learnt.

UNETHICAL MARKUPS

The NPPA in its February 13 order observed that “huge unethical markups at each stage in the supply chain” resulted in “irrational, restrictive and exorbitant prices in a failed market system driven by information asymmetry between the patient and doctors and doctors pushing patients to financial misery”. All retail-

ers and dealers were required to display their price lists given by the manufacturer or the importer in a conspicuous area on their premises; hospitals, nursing homes and clinics were also required to mention the cost of a stent along with its brand name, names of the manufacturer/importer in their billing to the patients. However, at the retail end, hospitals charged astronomical amounts as the costs incurred in making medical devices were distributed across the supply chain of manufacturer, distributor and retailer.

“The NPPA basically exposed the difference between the prices at which stents were given to hospitals and the rates charged from the patients. The hospitals have been showing extra expenses by putting the MRP [maximum retail price] in their books,” said G.S. Grewal, former president of the Punjab Medical Council.

Stent manufacturers were reluctant to include stents in the price control list, arguing that drugs and medical devices could not be put in the same category and that the costs of procedures had to be considered. Their main argument was that price controls would be inimical to inter-generational advancement in stents and manufacturers would be compelled to produce stents with reduced advantage. The argument was that cardiovascular diseases (CVDs) were on the rise and a leading cause of morbidity and mortality in India. Some 25 per cent of overall mortality in India was attributed to CVDs, with coronary artery disease (CAD) the most common CVD, accounting for 90 to 95 per cent of the deaths. In India, the prevalence was higher in the under-70 age group compared with the West. A report of the National Commission on Macroeconomics and Health estimated the

Stent pricing

Coronary stents (Sl. 31 in Schedule I of DPCO, 2013)	Unit (In Number)	Ceiling Price (In Rs.)
Bare metal stents	1	7,260
Drug-eluting stents (DES) including metallic DES and bioresorbable vascular scaffold (BVS)/ biodegradable stents	1	29,600

Stent ceiling prices exclusive of tax applicable from February 13, 2017.

Source: NPPA

Rise in stent procedures

	2010	2011	2012	2013	2014	2015
No. of centres	251	332	369	404	396	614
No. of coronary interventions	1,17,420	1,52,332	1,77,240	2,16,817	2,48,152	3,53,346

Source: Report of the Committee to examine the issues relating to the Essentiality of Coronary Stents. April 2016

number of CAD patients at 61.5 million in 2015; of them, 23 million were estimated to be under 40.

According to the National Interventional Council (NIC) registry, 2015, a total of 3,53,346 procedures were performed and 4,73,000 stents were implanted. Some 95 per cent were DESs; 2 per cent were BMSs; and 3 per cent were biovascular scaffolds. The data also showed a progressive increase from 2010 to 2015 in the number of centres performing the procedures and in the number of coronary interventions made. But the rates charged for stent procedures ranged from Rs.23,000 at Central Government Health Scheme (CGHS) hospitals to over Rs.2 lakh in private hospitals, which put them out of the reach of the common people. In 2015, the out-of-pocket expenditure for Percutaneous Coronary Intervention procedures was reported to be 41.38 per cent of the total expenditure, of which government support and private insurance companies accounted for 42.87 per cent and 17.75 per cent respectively.

As for variable pricing for differing categories in the DES, the sub-committee accepted the superiority of DES types over BMS types, but it

was categorical that there was no definite superiority among currently available metallic DES types in terms of their clinical outcomes of mortality and myocardial infarction (heart attack).

HIGH COURT INTERVENTION

It took a High Court order to get the government moving. Birender Sangwan, an advocate, petitioned the Delhi High Court in 2014 after his relative had to pay an exorbitant amount for a stent in a private hospital. Sangwan's plea was that the exorbitant stent prices were discriminatory and prejudicial to a large number of people. While coronary stents became a part of the NLEM in 2016, their prices were not fixed. The NPPA, an organisation set up in 1997 under the Department of Pharmaceuticals and committed to ensuring affordable drug pricing, was seized of the matter as the issue had been raised at a State Drugs Controllers' meeting a few years ago. The State Drugs Controller of Odisha had in a 2014 letter recommended control over the prices of stents under the Drug Price Control Order (DPCO) of 2013. On the basis of a market survey, it was submitted that the price to the distributor,

“The NPPA order observed that ‘huge unethical markups at each stage in the supply chain’ resulted in ‘irrational, restrictive and exorbitant prices...’”



PTI

PRIME MINISTER Narendra Modi spoke of the fixing of ceiling prices for stents at a rally in Hardoi, Uttar Pradesh, on February 16.

MRP, price to hospital and selling price to patient of various medical devices, including stents, showed huge margins to distributors and hospitals. The Commissioner, Food and Drug Administration, Maharashtra, had also, in September 2014, requested the NPPA to fix the MRP for 14 medical devices including cardiac stents. While the scheduled drugs for price control were listed in the NLEM and incorporated in the first schedule to the DPCO 2013, the non-scheduled drugs were also monitored by the NPPA from time to time to ensure that the 10 per cent ceiling (on prices) mandated by the DPCO 2013 on a year-to-year increase in the MRP was not violated.

MATTER OF LIFE AND DEATH

The issue of drug pricing makes the difference between life and death for the majority in this country. Unlike in China, where stents are indigenously produced, three-fourths of the stents in India are imported and manufactured by multinationals. In 40 per cent of the cases, the expenses involved are met out of pocket.

According to an NPPA report on stents, the number of cardiac interventions had grown manifold in the past decade, from 40,000 in 2006 to 2,62,349 in 2013. The report also noted that coronary atherosclerotic

heart disease (CAHD) was the most common form of CVD in the country and afflicted around 32 million people with a mortality rate of 1.6 million in a year. “Angioplasty procedure is very common these days but the high cost of cardiac stents is a major cause of concern, as it seriously affects the ability of the common man to access it,” stated the report.

The NPPA requested the National Health Systems Resource Centre (NHSRC) to assess the cost effectiveness of the BMS and the DES types. The NHSRC survey concluded that the cost-effective price for the BMS could be Rs.19,000 and that of the DES, Rs.28,000, and found the MRPs to be exorbitant. The bulk of the stents were imported, but the MRPs were found to be 10 times that of the landed cost (L.C.). Three market leaders, Abbott Vascular, Medtronic and Boston Scientific, accounted for nearly 60 per cent of the market share of stents in the country. The survey showed that in the case of Abbott alone, the difference between the L.C. and the price to distributor (PTD) ranged between 68 per cent and 140 per cent across different brands, while the difference between the PTD and MRP ranged between 72 and 400 per cent. The gap between the L.C. and the MRP ranged between 294 per cent and 740 per cent. The same company made the supply to the CGHS at a margin of just 100 per cent to 200 per cent. In the case of Medtronics, the survey found that the margin between the L.C. and the MRP ranged from 498 per cent to 854 per cent. In the case of Boston Scientific, the margins between the L.C. and the MRP ranged from 464 per cent to 1200 per cent, according to the NHSRC survey.

A quotation for the Boston Scientific Range of Products submitted by a distributor to a hospital in Amritsar (a copy is available with *Frontline*) showed that the price for the DES in various categories to the hospital ranged between Rs.32,000 and Rs.75,000, whereas the MRP for the same ranged from Rs.1,50,000 to Rs.1,65,000. Another quotation submitted by a distributor for Abbott Vascular (also available with *Frontline*) to the same hospital for the Abbott product, Xience Xpedition Everolimus Eluting Coronary Stent, pegged the distributor rate at Rs.82,000 while the MRP was Rs.1,40,000. Two other stent brands were also listed, with distributor-to-hospital rates at Rs.50,000 and Rs.32,000 respectively and MRPs at Rs.1,15,000 and Rs.40,000 respectively.

The NPPA report mentioned earlier noted that there was an “unreasonable markup in the final cost to the patient”. It noted that there was a common perception, not clinically validated, that imported stents were superior to those made in India. But many hospitals, it said, including government hospitals, were creating categories on the basis of country-specific regulator approvals such as a United States Food and Drug Administration-approved DES or a European-marked DES or even a Drug Controller General of India (DCGI)-approved stent in their tenders. This encouraged the perception that products approved by a particular regulator were superior, going by the price band. “This is typical of the pharma sector where higher price is confused with higher quality,” observed the NPPA report.

More than 50 coronary stent manufacturers, including some of

“Unlike in China, where stents are indigenously produced, three-fourths of the stents in India are imported and manufactured by multinationals.”



THE HINDU ARCHIVES

AN UNPROTECTED LEFT MAIN STENTING PROCEDURE under way at GKNM Hospital in Coimbatore in June 2012.

the leading names in the industry, nine industry associations and four public health organisations were asked to submit their representations on stent pricing. The NPPA worked out the probable minimum and maximum prices that could be charged at every stage in the chain of distribution, factoring in margins as well. The minimum rates clearly indicated that there was a possibility of fixing prices at those rates. These were stiff enough for the consumer, but the maximum ceiling prices that were fixed were found to be exorbitantly high. For instance, the minimum MRP that could be charged for the two categories of stents was Rs.25,000 and Rs.40,000 respectively, while the maximum was Rs.75,000 and Rs.1,98,000 respectively. The maximum trade margins that were worked out from the hospital to the patient ranged from 436 per cent to 654 per cent for the BMS and the DES respectively. The maximum trade margin from the distrib-

utor to the patient was more than 1,026 per cent for the BMS and about 892 per cent for the DES. Interestingly, the NPPA calculated on the basis of industry data that the maximum cost of production for the BMS and the DES was less than Rs.10,000 for domestic manufacturers, while the landed cost for the imported DES was not more than Rs.40,820 and Rs.16,749 for the BMS.

For imported stents, the maximum MRP charged for the BMS was Rs.50,000 and Rs.1,98,000 for the DES. "Imagine a situation where a young man brings his 50-year-old father to a hospital with a heart condition and is recommended an angioplasty. The hospital advises him to go for quality and suggests a range of stent prices. The patient and his family in such circumstances would rather not argue with the hospital and leave it to the hospital to take the best option. In that process, the patient ends up spending astronomical amounts. Remember the

man is only 50 years of age. These are the kind of psychological pressures that are put on people," said P.N. Subramaniam, secretary of the Federation of Medical and Sales Representatives Associations of India (FMRAI).

The rates of stents differed on the basis of their size, but medical representatives that *Frontline* spoke to said the variation was minimal. They also said that hospitals bought them at prices far lower than the MRP. The average cost to the distributor was Rs.20,000, while the hospital paid Rs.25,000. The hospital and doctors then decided the selling price. Some hospitals sold them for around Rs.60,000 and some for Rs.1.5 lakh. The profit and commission to the hospital and the doctor came from this amount. "The product is kept in the Cath lab, and the doctor takes it and uses it. Patients and their families never come in contact with the product. This open pricing is an issue in all devices," said

Subramaniam. He quoted other instances as well. The Foley's catheter, an instrument used to drain urine from the bladder, has an MRP of Rs.100 to Rs.270 though hospitals buy it for Rs.30. Urine poly bags are also bought by hospitals at Rs.40 while the MRP ranges between Rs.120 and Rs.180. He cited another example of a life-saving injectible antibiotic called Meropenem: while the selling rate to institutions ranges from Rs.300 to Rs.700, the MRP ranges from Rs.600 to Rs.2,496. He lamented that there was no pricing policy that worked on the basis of the cost of production.

DEMANDS FOR AFFORDABLE PRICING

The All India Drug Action Network (AIDAN), the Jana Swasthya Abhiyaan, the Alliance of Doctors for Ethical Healthcare and the Third World Network have demanded that the ceiling prices fixed by the NPPA should meet the objective of ensuring true affordability and should be fixed "on the basis of CGHS reimbursement rates". The CGHS rate was around Rs.23,625. They said that the NPPA data revealed that by the time the patient got the stent, the increase in the original cost (of production) was often in the range of 1,000-2,000 per cent.

They exhorted the government not to succumb to pressures from the industry or the medical establishment. They also urged the Medical Council of India to investigate the professional misconduct of doctors and called for a legally binding code for the marketing of health products including devices, a demand that the FMRAI has also raised.

Drug pricing is at the heart of health-care access. It is significant that the NPPA is a part of the Department of Pharmaceuticals and not the Ministry of Health, which it ideally should be under. Regulation of the prices of essential medicines was itself in danger of getting wound up following deliberations in the NITI Aayog. The apprehensions were somewhat set to rest following an assurance from the Union Minister of Chemicals and Fertilizers Ananth

Kumar, reports of which appeared in sections of the media. The Medical Technology Association of India has expressed its disappointment with the capping of stent prices and demanded the involvement of the Medical Technology Assessment Board in the exercise.

It has been the consistent plea of public health activists and experts that determining the prices of essential drugs cannot be left to the market but should be based on the cost of the production. The NLEM confines itself only to the treatment cost of medicine and not other attendant costs that are added on to the overall treatment. These expenses charged

"A regulatory framework is required for every stage of treatment in order to ensure affordable and equitable health care."

by hospitals are still largely out of control.

At present, only 18 per cent of the domestic market is under price control, leaving several life-saving drugs, including patented ones, out of the control mechanism. Even the price-controlled drugs are often very expensive, with manufacturers enjoying high margins. The practice of fixing ceiling prices had a marginal impact on reducing the prices of the medicines.

From 1979 onwards, a cost-based system of pricing came into effect which factored in the cost of raw material and the cost of conversion, including a margin. This system was replaced by a market-based system by the Drug Price Control Order,

2013, a gift of the United Progressive Alliance government. According to a representation made by AIDAN to the Supreme Court in an ongoing case on drug pricing, the market-based pricing formula calculated the ceiling price as a simple average of prices of all brands that have equal to or more than 1 per cent of the market share after adjusting for the retailers' commission. There were more brands selling at higher prices than at lower prices, so the simple average also turned out to be high, it said.

PIECEMEAL APPROACH

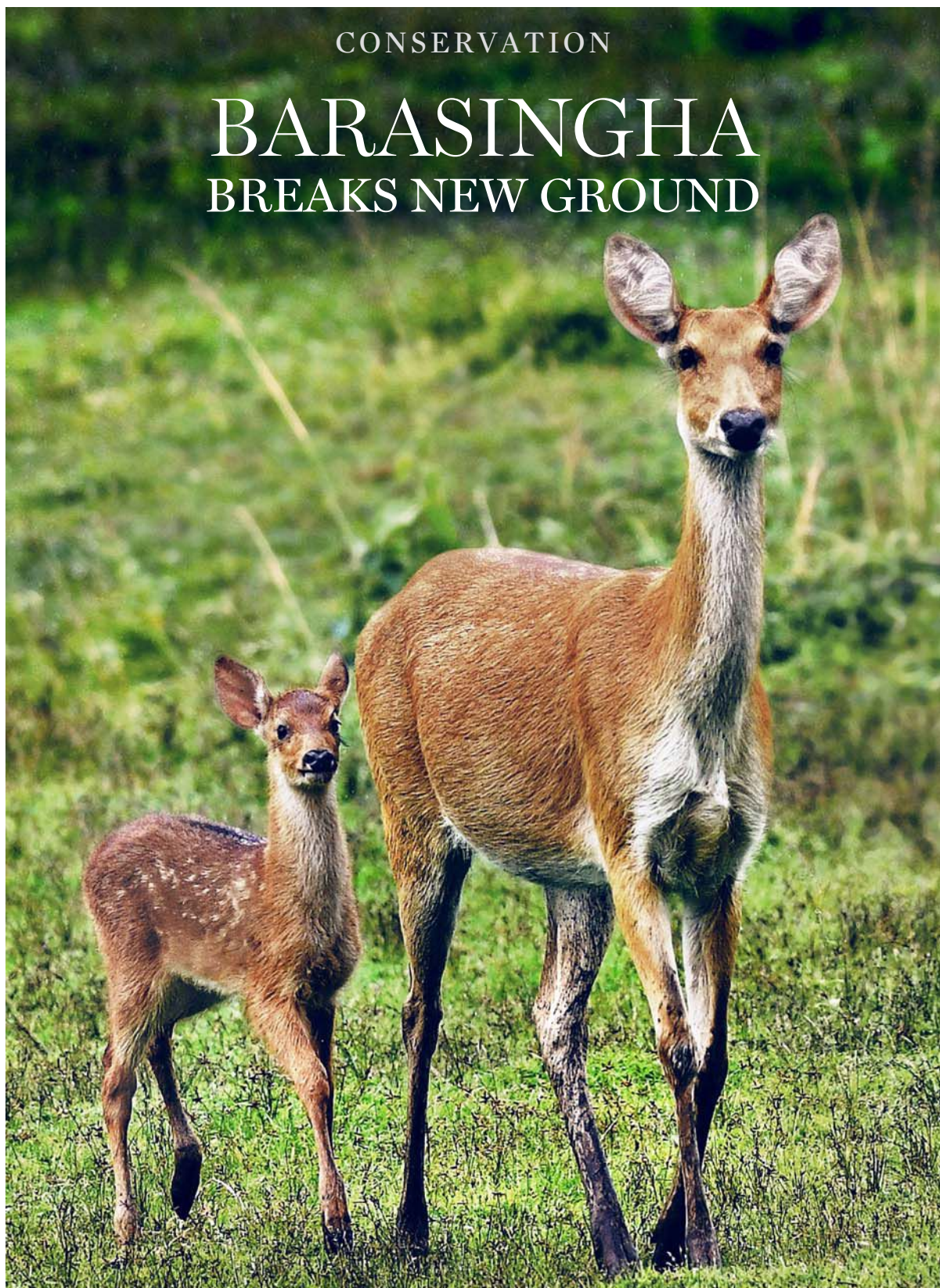
The delay in fixing the price of stents has been inexplicable. But a piece-meal approach would have a piece-meal outcome. Probir Das, the CEO of Terumo, a multinational medical device manufacturing company, told *Frontline* that the new pricing mechanism would hurt the industry. Reduced prices did not mean that patients would no longer be made to go for unnecessary stenting, a trend that has been of concern internationally. "Companies will stand to lose between 40-50 per cent of revenue. People who can afford to buy the latest generation stents will not be able to buy them. It would have been better to go after hospitals that were making huge markups," he said.

Sulagna Chattopadhyay, Editor-in-Chief of *Geography and You*, who petitioned the Rajya Sabha committee on petitions for the regulation of stent prices and other medical devices, said the cost of importing stents was one-third of what was charged from the patients. She told *Frontline* that there should be a cap on the procedure charges and that an audit of stents sold could bring out the nexus between the hospital-industry and doctor.

A regulatory framework is required for every stage of treatment in order to ensure affordable and equitable health care. The overall expenditure on health as a proportion of the gross domestic product is still very low and much of health care continues to be in the largely unregulated private sector. The stent price regulation, therefore, is a piecemeal intervention at best. □

CONSERVATION

BARASINGHA BREAKS NEW GROUND



SANJAY K. SHUKLA

A BARASINGHA FEMALE and a fawn at the Kanha Tiger Reserve in Madhya Pradesh. The fawn has spots at birth and is often confused with a chital.



The grass-eating hard ground barasingha gives conservationists a lot to cheer about following a slow but sure increase in its almost extinct population at the Kanha Tiger Reserve.

BY RAKESH SHUKLA

THE BARASINGHA POPULATION of three subspecies—the hard ground barasingha endemic to Kanha, the northern subspecies and the north-eastern subspecies—is faced with many challenges, resulting in a low growth rate.



SANJAY K. SHUKLA

IT was an early winter morning in late December. The temperature had dropped from last night and was hovering below zero degrees. I stood amid the winter sounds in an old growth forest of the Kanha Tiger Reserve, in Madhya Pradesh, close to a sal grove and could hear the soft sound of fog water dripping off the trees. The guttural calls of tree pies

and the noisy screams of peafowls somewhere in the distance, however, were calming and felt like an attribute of the profound serenity and solitude. The overnight freeze had resulted in a thin off-white covering of frost on the grassland stretched all around. My immediate surroundings of sal woods, meadow and grazing barasingha were shrouded in a

dense mist that would gradually clear away later in the morning as the intensity of daylight increased.

I hastened to focus my field glasses on a bugling barasingha stag in the nearby breeding herd. The majestic deer had raised its head slightly and was emitting the two-toned rutting call so typical of this deer, starting at a low pitch and rising to a crescendo

in high bugle-like notes. Mesmerised, I watched the animal call intently as the cold condensed his breath into a narrow plume of light smoke that vanished into the mist.

The revival of this endangered and endemic cervid, belonging to the cervidae family, in the Kanha Tiger Reserve is hailed as one of the most successful and inspiring conservation projects in the world. While Kanha's name may be synonymous with the tiger, it is actually the hard ground barasingha that has consistently challenged the professionalism, including foresightedness and managerial adaptability, of the Kanha management.

The successful conservation programme is all the more significant in the context of the World Wide Fund for Nature's *Living Planet Report 2016*, which predicts that the global wildlife population could decline by an average of 67 per cent between 1970 and 2020 as a result of human activities. The global populations of birds, mammals, amphibians, fish and reptiles have already declined by around 58 per cent between 1970 and 2012. And India stands as one of the five global biocapacity hub-countries, accounting for around half of the world's biodiversity.

DEER COUSINS

The swamp deer, or barasingha, meaning a species having 12 distinct points or being 12-tined in its antler configuration, is regarded as one of the world's endangered large mammals. While the deer is exclusive to India and Nepal's biogeographical limits, several animal ranches in Texas and Florida in the United States are reported to have sizeable populations. All the three subspecies of the swamp deer are endangered in India. While a free-ranging population of the hard ground barasingha (*Rucervus duvauceli branderi*) is restricted to the Kanha Tiger Reserve, the northern subspecies (*Rucervus duvauceli duvauceli*) and the north-eastern subspecies (*Rucervus du-*

A FULL-GROWN STAG with the characteristic 12-point antler configuration.

SUDHIR MISHRA







GRASSLAND and a waterbody, an ideal habitat for the graminivore, at Kanha.



vauceli ranjitsinhii) occur in the Dudhwa Tiger Reserve (Uttar Pradesh) and the Kaziranga National Park (Assam) and their surrounding areas. Each subspecies differs slightly from the other morphologically, which is probably due to geographical separation for a very long time.

The hard ground barasingha of Kanha is exclusively graminivorous and is almost totally dependent on grasslands. Unlike its two cousins that inhabit swampy habitats, the Kanha, or Branderi, subspecies has adapted itself to the hard ground conditions of central India, though it still reveals its evolutionary affinity for slush and swamps. It is the special biology and ecology of this deer that has made it so endangered and difficult to conserve. Besides being graminivorous, the female comes into estrus only once a year and gives birth to only one fawn after a gestation period of about nine months. Consequently, the population is faced with many challenges, resulting in a low growth rate. It is an established fact that small populations are challenged by a number of intrinsic (relating to genetics) and extrinsic (relating to environment) limiting factors that increase the likelihood of the population going extinct.

STEADY DECLINE

Once upon a time this majestic deer recorded far and wide distributions. Populations occurred in many districts of the erstwhile Madhya Pradesh and in Maharashtra, Bihar, Odisha and Andhra Pradesh. The forest tracts of the Kanha ecoregion were regarded as some of the finest and hitherto untouched wilderness areas in the country. The unfragmented multi-tiered woodlands, large grassy expanses and waterbodies resulted in many ecotones and settings excellent as wildlife habitat. The region was sparsely dotted with small human habitations that practised marginal agriculture with an aboriginal touch. The barasingha roamed these grasslands and clearings in large numbers and had safe and unobstructed access to most of its habitats for foraging, breeding



ANANT ZANJALE

IN THE PAST, POPULATIONS of this deer occurred across undivided Madhya Pradesh and in Maharashtra, Bihar, Odisha and Andhra Pradesh.

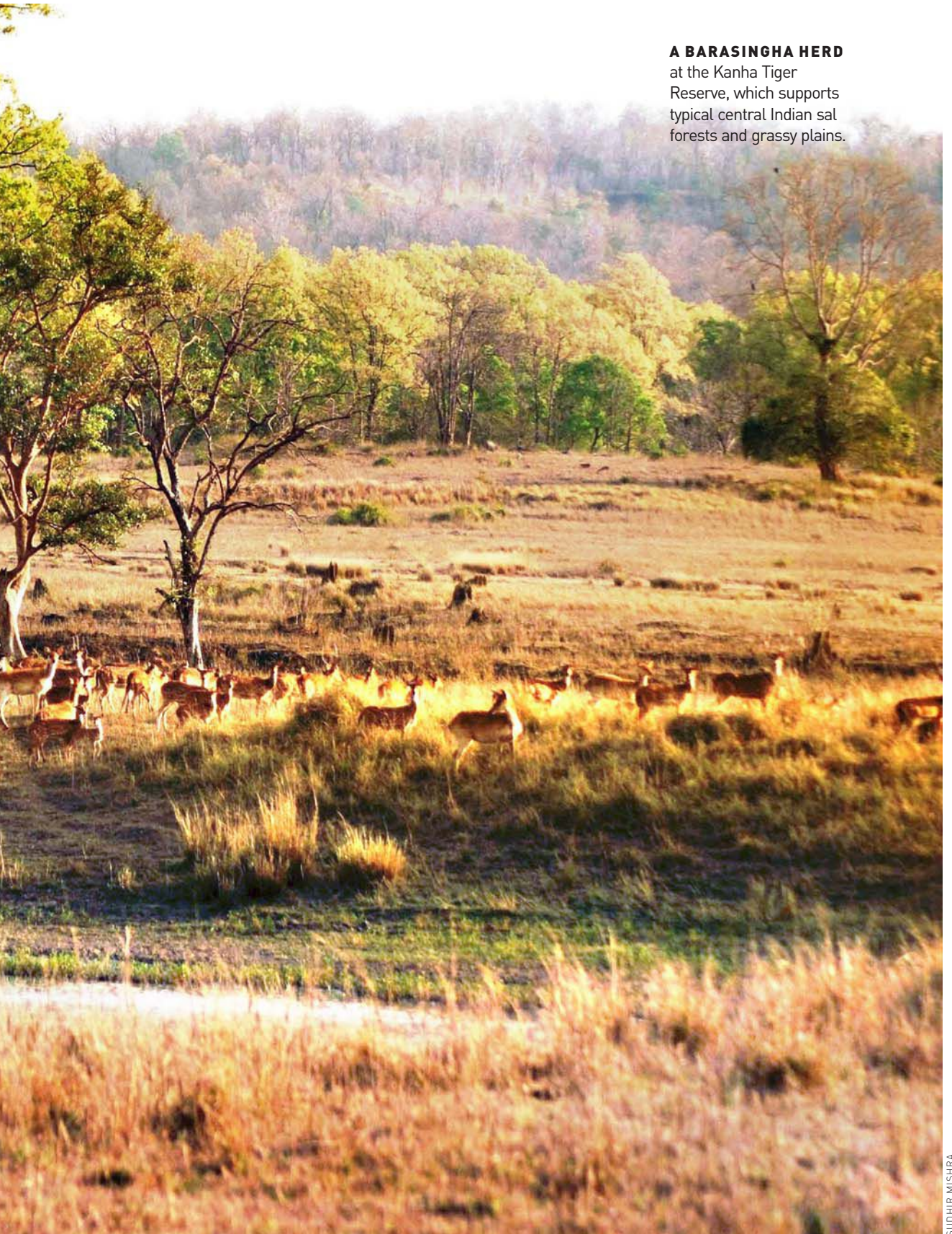


DUDHWA TIGER RESERVE

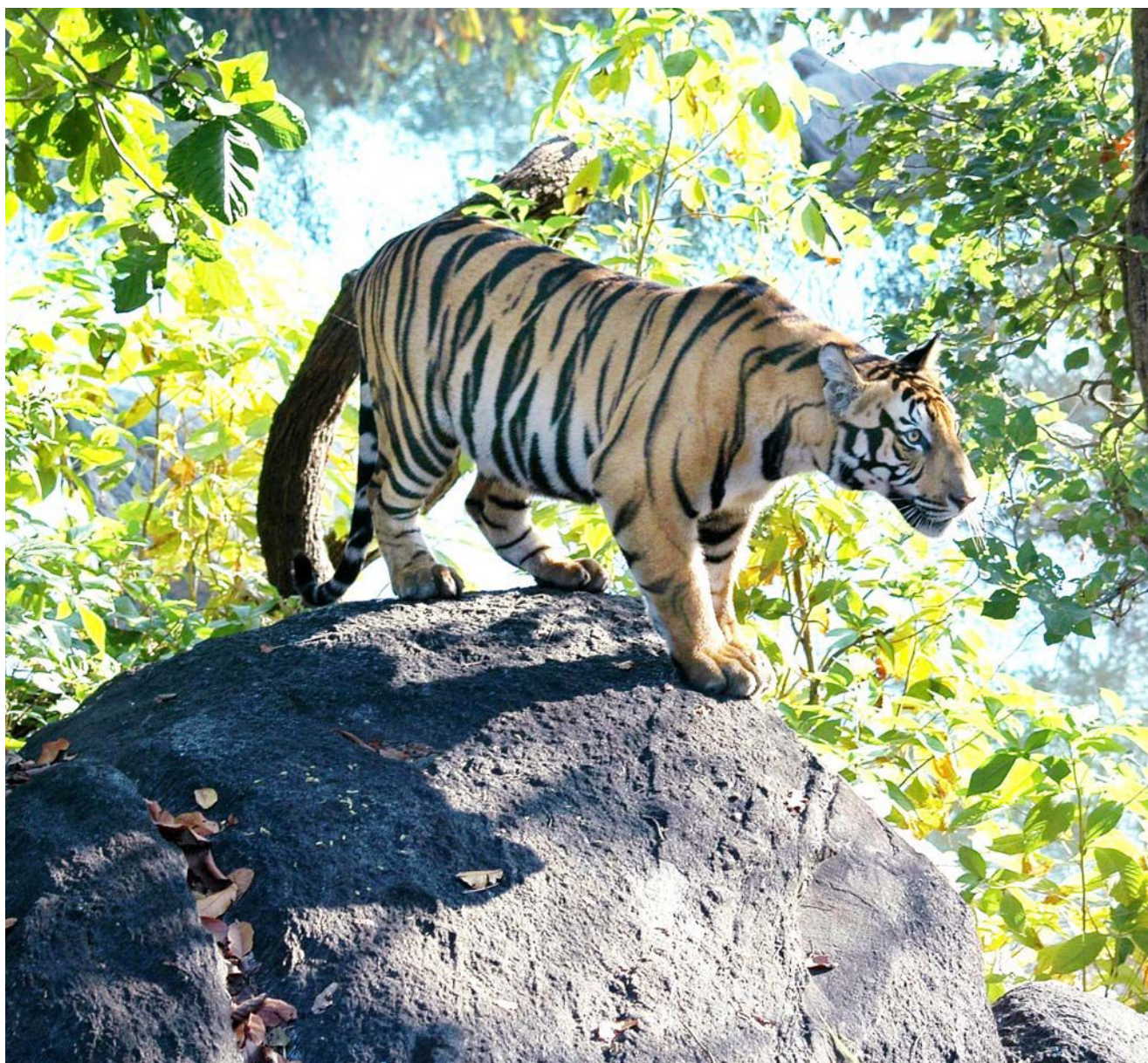
THE NORTHERN SUBSPECIES in a swamp, its natural habitat, at the Dudhwa Tiger Reserve in Uttar Pradesh. Each subspecies differs slightly from the other morphologically.



A BARASINGHA HERD
at the Kanha Tiger
Reserve, which supports
typical central Indian sal
forests and grassy plains.



SUDHIR MISHRA



A TIGRESS watching a herd of barasingha in the distance.

and parturition. Consequently, a large population of this deer, albeit fragmented, with good recruitment every year could survive the slow but sure onslaught of poaching and habitat loss due to encroachment for agriculture and altered land use patterns. A census of this deer population conducted in and around the present Kanha National Park in 1938 indicated that there were 3,023 animals.

The cervid population, however, did not remain secure for long. A

large number of barasingha used to be killed by tribal people in September and October when large herds formed on the plateaus in Chhattisgarh, previously a part of Madhya Pradesh. Much later, in spite of several forest and wildlife protection laws, the wild animals were under pressure because of poaching, which was unfortunately increasing day by day. Wildlife habitats were subjected to illicit felling, encroachment, cattle grazing and fire. Shifting cultivation, or slash-and-burn practice, was ram-

pant. Large chunks of forest were clear-felled and meadows converted into agricultural lands to grow marginal crops. Such lands were used only for three to four years and then abandoned for new ones. Besides, destruction was getting more and more mechanised and efficient.

The hard ground barasingha bore the brunt of this onslaught. Village residents hunted the deer for its meat and occasionally for sale as trophies. By 1951, barasingha habitats had started to succumb seriously to



SUDHIR MISHRA



ANANT ZANJALE

JACKALS go for selective predation of newborns, upsetting the recruitment of the barasingha.

agriculture and settlements. Poaching and biotic pressures, including timber felling, encroachment and cattle grazing, had tattered the forest, with grave consequences.

The barasingha have never had an easy time of it. Wildlife classics on the natural history of the region are replete with references of how the deer was snared, poisoned and shot. The situation became so serious that the Madhya Pradesh government banned barasingha hunting in 1954. The Supkhar area of the Kanha Tiger

Reserve, which was earlier part of the north Balaghat forest division, lost all the animals by the late 1950s. In 1964, baiting—the practice of using animals such as goats and buffaloes to attract tigers for close sightings and photography—was allowed in the Kanha meadows. These domestic animals used to be tied to a tree and left for the tiger. The practice encouraged several tigers to remain in a confined area. These tigers also killed barasingha and further decreased this population. While some

good steps were taken to arrest the decline, they were too late to be effective. Poaching continued unabated, and the barasingha population went from the 3,023 recorded in 1938 to 577 in 1958, 98 in 1968 and 66 in 1970. This critical number was restricted to the central meadows of the Kanha National Park, and there was no knowledge of any other population of this deer in the wild anywhere in the country. The deer was now on the brink of subspecies extinction.



SURESH DESHMUKH

AN ALERT HERD, though its anti-predator reflexes are relatively slow.

That was when the Forest Department took several short-term conservation initiatives to protect this subspecies and its habitats. As time passed, managerial experience grew, and with the inclusion of Kanha into Project Tiger in 1973, barasingha conservation practices became more professional. Over the years, the protection of the deer and its habitats has been accorded the top-most priority under different strategies. The first relocation of a forest village, Sonf village, outside the national park way back in 1969 helped reclaim an additional grassy plain of around 1,000 hectares as deer habitat. Since then 37 forest villages have been shifted outside the core zone, or critical tiger habitat. Village relocation has helped in the reclamation of around 78 square kilometres of land, most of which has been developed into excellent grassland. Kanha's vil-

lage relocation programme, applauded as ahead of its time, is, of course, another story.

A predator-proof in situ enclosure of around 27 ha was erected in the Kanha range so that a small number of founder-animals for assured multiplication and future release back into the wild could be closely monitored and managed. The enclosure proved so effective that it now stands expanded to around 50 ha.

The Kanha management has also undertaken habitat improvement programmes with the barasingha in mind to keep wildlife habitats sufficiently healthy to sustain thousands of ungulates. This programme includes the eradication of weeds, lantana, invasive woody and shrub species; the planting of grass species; and the creation and maintenance of shallow waterbodies. The deer population is monitored daily in all hab-

itat pockets under a prescribed protocol so that various trends and movement patterns within the protected area can be understood.

All these conservation practices have paid modest dividends, and now the species stands restored to a more or less safe status. The build-up from the critical 66 in 1970 to around 750 in 2016 has taken around 45 years.

Amid this internationally applauded conservation success, a small population of this deer was reintroduced into its former distribution range. The initiative was based on the logic that the Kanha population had grown out of only 66 animals and could be a genetically inbred population that could face future health-related complications. Besides, the deer may be vulnerable to some serious epidemic that could wipe out the subspecies from Kanha.



ANANT ZANJALE

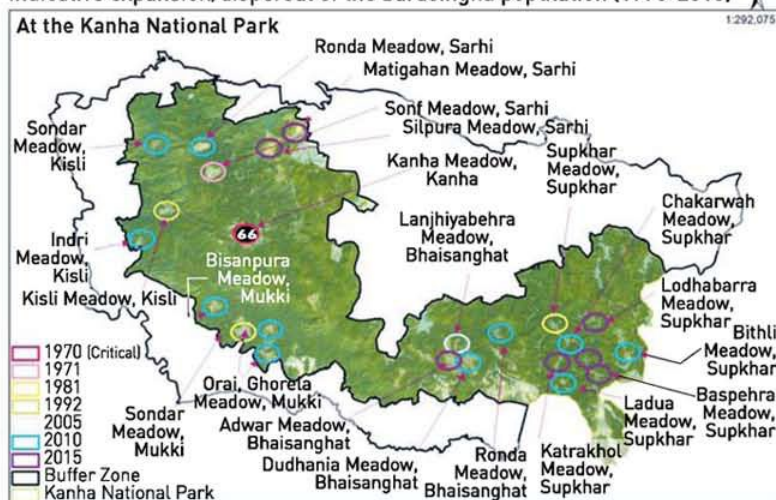
PYTHONS can sometimes upset the number of fawns in protected areas.

In view of this, some barasingha were captured, translocated and re-introduced into the Satpura Tiger Reserve (also in Madhya Pradesh),

another equally fine protected area and a former distribution range of the deer, under an ambitious multi-disciplinary project in 2015 and 2016

(see "Operation Barasingha", *Frontline*, May 1, 2015). The Satpura Tiger Reserve had many years ago supported a small population of this deer species and currently harbours a very good barasingha habitat. These reintroduced barasingha are kept in a specially designed in situ enclosure and will be released into the wild according to the protocol.

Indicative expansion/dispersal of the barasingha population (1970-2016)



HIGH HOPES

The barasingha at Kanha is a fine example of single-species conservation, whose chief objective has been to reduce or delay the risk of the extinction of the target population. Initially, it looked like one was fighting a losing battle, later, however, the wide range of all conceivable conservation practices and innovative steps ensured that the population had a much safer status.

The resurrection of this cervid at



KAZIRANGA TIGER RESERVE



ABHISHEK SINGH

THE NORTH-EASTERN barasingha in the Kaziranga National Park in Assam. (Left) Kanha is a combination of beauty and biodiversity.

Kanha is also an excellent example of adaptive management, or “learning by doing”. This professional adage has over the years helped the Kanha management gain a thorough understanding of the behaviour and ecology of the species and mastery over its population and habitat management, including reintroduction. Such vast experience, successful past translocations, veterinary support, and knowledge of all the logistics can be put to good use in future to reintroduce more and more animals into well-protected areas of their histor-

ical range. While on the one hand, introduced subspecies will enhance the biodiversity status of these protected areas, on the other, the expansion of its current geographical distribution will add to the security of the subspecies against local extinction and may create a new bloodline too.

However, a word of caution is in order here. The reintroduction programmes need to be undertaken in a comprehensive manner. A wide range of habitat improvement initiatives will have to be undertaken at

new reintroduction sites before animal translocation. In situ captivity for some time and a later soft release into an improved habitat is a good option. The managers of reintroduction sites may need to visit Kanha and Satpura in advance to study current barasingha conservation practices for effective replication at their respective sites. The names of some protected areas that readily come to mind for this purpose are the Achanakmar and the Udanti-Sitanadi Tiger Reserves in Chhattisgarh, the Tadoba Andhari and the Navegaon-Nagzira Tiger Reserves in Maharashtra, the Sunabeda and the Simlipal Tiger Reserves in Odisha, and the Bandhavgarh and the Phen Wildlife Sanctuaries in Madhya Pradesh. Besides achieving the obvious conservation objectives, professionalism in active management techniques, achieved through hard work and over so much time, will then not go waste and managers/veterinarians will stay in practice. □

Rakesh Shukla is Research Officer, Kanha Tiger Reserve.

Challenging mythology

The scholarship of Alan Taylor's book, published before the 2016 U.S. presidential elections, suggests that Trumpism might be less an aberration than the latest, more-brazen-than-ever expression of long established traits of American political culture. BY SUSAN RAM

IN 1798, the fifth United States Congress passed the Alien and Sedition Acts, empowering the President to imprison and deport any alien deemed "dangerous to the peace and safety of the United States", making it more difficult for immigrants to become citizens and criminalising the making of "false" statements that were critical of the federal government.

War provided both context and justification: escalating diplomatic tensions between newly independent America and revolutionary France had resulted in French seizures of American merchant ships trading with the British. Without declaring a formal war, President John Adams in 1798 sent warships to attack French vessels in the West Indies. In this situation, identifying and expelling enemy aliens while coming down hard on home-grown dissent could be presented as justifiable and necessary.

Yet, influential voices of the day suggested other factors might be at play. Welcoming the clamp-down, Noah Webster, a lexicographer and political

writer who would come to be known as the "father of American scholarship and education", insisted that "the country would be as prosperous and much more happy if no European should set his foot on our shores". For leading Federalists, the draconian new laws offered a means to discredit domestic opponents while closing the door on Irish immigrants who tended to vote Republican. Actuated just 22 years after the Declaration of Independence, whose preamble had celebrated human equality as a natural right divinely ordained, the raft of punitive legislation indicated that, rather than being of uni-

versal application, "life, liberty and the pursuit of happiness" were to be conditional, provisional, and subject to arbitrary (and non-heavenly) curtailment.

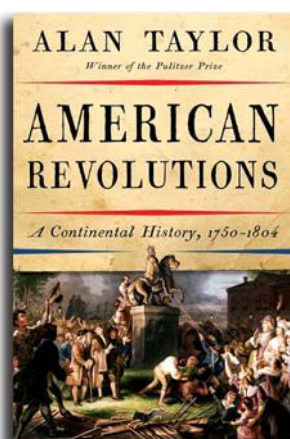
Looking back at the circumstances in which the United States of America came into being more than two centuries ago might seem of marginal relevance in the Age of Trump, when the wrecking ball activities of the new administration demand immediate, concerted and thorough-going resistance. Yet, as Alan Taylor's formidably researched and magisterial new study documents, America's revolutionary beginnings merit the crit-

ical attention of everyone opposed to the current turn. Although published before last year's presidential elections, Taylor's dense volume is replete with warning signals; cumulatively, its scholarship suggests that Trumpism might be less an aberration than the latest, more-brazen-than-ever expression of long established traits of American political culture.

Taylor, currently Thomas Jefferson Memorial Foundation Professor of History at the University of Virginia, is a multiple award-winning American historian specialising in early U.S. history. He is known for a forensic microhistorical approach involving the intimate and systematic scrutiny of court records, land records, letters and diaries, combined with a narrative focus that prioritises storytelling over grand theorising.

POINTING DEBATE TO NEW DIRECTION

Taylor's new study contributes to an existing body of work challenging the mythology and shibboleths enswathing the American Revolution while pointing



American Revolutions A Continental History, 1750-1804

By Alan Taylor
W.W. Norton & Company, New York and London, 2016

Pages: 681
Price: \$37.50

the debate in new directions. In line with his perspective, the historian seeks to tease out the multidimensionality, complexity and messiness of it all. Breaking free of traditional narratives, with their focus on America's eastern seaboard, he argues for a continent-wide perspective capable of exposing multiple fault lines and neglected arenas of strife. Through microscopic engagement with the archives, he seeks to wrest the story from established "makers of history" (whether the "Founding Fathers" themselves or subsequent defenders and wielders of American power) and enable other players to add their voices. The result is a sprawling, sonorous canvas, teeming with restless, often violent activity across a vast geography: as distant as it is possible to get from the sanitised capsule history which, enshrined in films and schoolbooks, reinforced through annual commemorations and parroted from the pulpits of Washington, continues to offer Americans a soothing, self-justificatory story about their nation's origins.

One by one, Taylor demolishes the core elements of this construct. He shatters the notion that the American Revolution was orderly and restrained when compared with its counterparts in France and Russia, arguing that during the Revolutionary War, Americans "killed one another over politics and massacred Indians, who returned the bloody favours.... The dislocated proportion of the American population exceeded that of the French in their

revolution. The American revolutionary turmoil also inflicted an economic decline that lasted for fifteen years in a crisis unmatched until the Great Depression of the 1930s" (page 3).

COMPETING INTERESTS

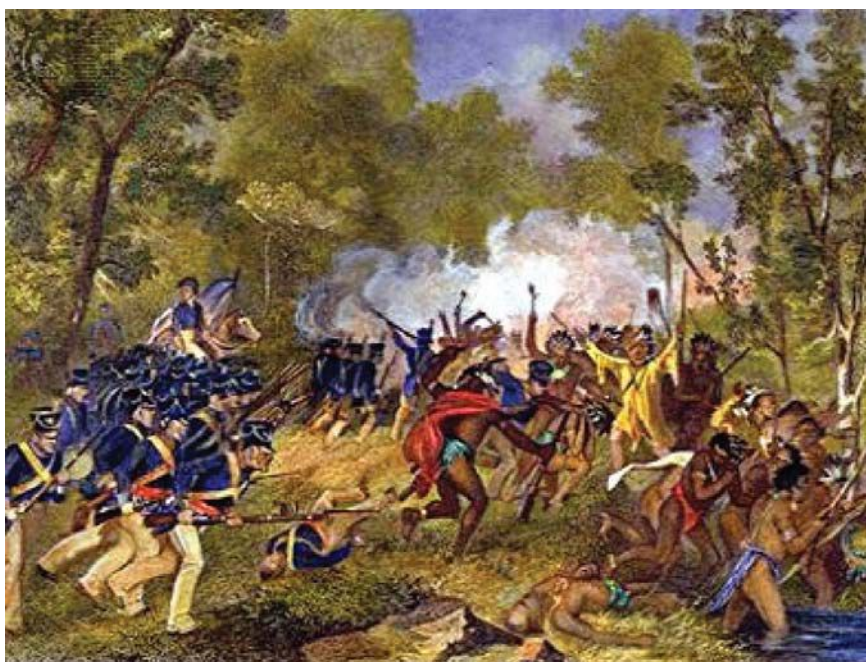
Nor was the story one of fearless nationalist spirit, united in its resistance to foreign domination. For Taylor, to argue thus is to invert cause and effect, for in reality the colonists were "reluctant nationalists" and the revolution constituted not the culmination of a process of nation-building but simply its start. He highlights the increasingly violent divisions among the colonists, split broadly between "Patriots" (supporters of independence) and "Loyalists" (opponents of it), but with "many more people wav[ing] in the middle".

Erupting tensions took

the shape not so much of a proto-nationalist uprising as of a full-fledged civil war that scythed through families and communities while laying waste the land. The third revisionist element in Taylor's study is geographical. In making his case for a multiplicity of revolutions, the historian opens up frontiers, wrenches our gaze away from America's eastern seaboard and the Atlantic, and invites us to survey the revolutionary war's continental sweep. His particular interest lies in events and processes taking place beyond the Appalachian Mountains: the West as it was then understood. Without ignoring the familiar story of the growing crisis over British taxation, from the Stamp Act of 1765 through the Boston Tea Party and beyond, Taylor argues that conflicting visions of the role of the West, held by the British

on the one hand and American settlers on the other, were an equally potent source of strife. Attempting to balance the scales, he links "western conflict with resistance to parliamentary taxes as equal halves of a constitutional crisis that disrupted the British Empire in North America".

Matters were brought to a head by British victory in the Seven Years War with France, sealed by the 1763 Treaty of Paris. This burdened the winner with a vast national debt along with expensive new responsibilities. Hence the need for new sources of revenue—and for a constraining hand on American colonists whose impetus to press westwards was bound to provoke costly wars with Native Americans (Taylor uses the term "Indian" throughout). In October 1763, a royal proclamation ordered settlers to stay east



THE BATTLE OF TIPPECANOE in November 1811, fought between the United States and Native Americans. Painting by Alonzo Chappel, a 19th century American painter.

of the Appalachians and barred colonial governors from granting western lands to speculators. This shocked colonists who, after helping to conquer Canada, “had expected the British to help them dispossess the Indians in the West”. Subsequent changes in imperial land policy incensed the colonial gentry by blocking their plans to speculate in vast tracts of land acquired for paltry fees as part of their westward expansion into Indian territory.

The locking of horns between British imperialism and American colonial elites represents one axis of class conflict highlighted by Taylor’s research. While eschewing the terminology of class analysis, he has a great deal to tell us about the social divisions of the day and the devastation that war wrought on the lives of ordinary people. As he notes, the post-1776 Continental Army “belied the myth of heroic citizen-soldiers putting down the plow to pick up their muskets and win the war. In fact, a small regular army of poor men sustained the Patriot cause by enduring years of hard duty and public neglect.”

Desertion was rife and mutinies struck with ever growing frequency, encouraging communities to thrust military duty on marginal men: apprentices, transients, beggars, slaves and indentured migrants abounded among the new recruits.

Taylor’s excavation of the archives also brings us face-to-face with the gory, stomach-churning reality of the revolutionary war: less a sequence of heroic battlefield encounters than

an unending orgy of looting and slaughter: “Desperate for fodder and food, both armies stole from civilians, ruining hundreds of farms and impoverishing thousands of people.... The worst looting and killing derived from the vicious competition of irregular partisans. Rarely paid, they sought compensation in plunder.... They assassinated foes, executed prisoners, and looted and burned the homes of civilians caught in the middle” (page 245).

CONSEQUENCES FOR INDIANS AND SLAVES

For two categories of Americans—Indians and slaves—the revolutionary war would have particularly savage consequences. For Native American tribes and nations at the sharp end of the colonists’ remorseless westward drive, the war was experienced as successive shock waves: the disruption of trading routes; an epidemic of smallpox which “halved the native population of the Great Plains between 1779 and 1783”; above all, a thorough-going, genocidal assault on their right to exist. The “empire of liberty” was in fact premised on the ability of white settlers to obtain private land by taking it from Indians; on the frontier, the War of Independence became “racialised”, generating a white nationalism that viewed all Indians as enemies ripe for destruction.

Slavery, already well entrenched in the American colonies before the outbreak of hostilities (Taylor notes that during the 1760s, the colonists imported 3,65,000 slaves, more than in any preced-

ing 10-year period), also played a crucial role in unfolding events. Whether in the Deep South, where the highest concentration of slaves was to be found, or in the “enlightened” North, slave-owning Patriots viewed their human stock as part of the property their revolution sought to defend. In addition, slavery served as a distinguishing marker,

Patriots argued that if compelled to accept imperial taxes they would become a subject people, “as tame and abject slaves as the Blacks we rule over”, as George Washington put it. The disconnect between the language of liberty in which Patriots set out their goals and the ground realities of enslaved existence provoked some slaves to throw in their lot with the British: Taylor cites the example of the royal governor of Virginia who, in 1775, offered freedom to any slave who joined the ranks of his army. By contrast, a Patriot-enacted Virginia law enticed white recruits with the promise of a hundred acres of land—and a slave.

In the northern colonies, some slaves gained freedom by enlisting in Washington’s army, but others found themselves rebuffed. Far from withering away after the revolution, slavery became more powerfully entrenched: by 1820 the number of the enslaved had doubled to 1.5 million, rendering the Old South the largest slave society of the modern world, one whose lucrative plantation economy, fortified by the arrival of cotton, was fuelling America’s capitalist development.

At times, the ambivalence of Taylor’s book

threatens to overwhelm the reader; the plethora of detail can be both daunting and distracting, making it difficult to parse the material presented and draw conclusions. Further confusion is created by the accommodation of a broadly chronological narrative history within a structure defined by thematically titled chapters (“Colonies”, “Rebels”, “West”, “Shocks”, and so on). While the final chapter, “Legacies”, attempts to draw the multiplicity of threads together, a more concentrated effort in this direction would have been helpful, especially for lay readers wary of the book’s more than a hundred pages of notes and references.

THE STRANGE IS ALSO FAMILIAR

Such quibbles apart, Taylor’s colossal engagement with this complex, slippery and much mythologised slice of America’s history is to be celebrated and put to democratic use. From its pages, crowded with detail and noisy with the passions of the day, the lived reality of the revolutionary war leaps out at us, enveloping us in its disorder, dislocation and chorus of contradictory voices.

At times, too, the strange transforms into the familiar. Could it really be that, back in 1800, Republicans, led by wealthy Virginia plantation owners, were already seeking votes by combining dog-whistle racism with a “commitment” to the economic betterment of poor white men? Through his heroic efforts in the archives, Taylor has the evidence to prove it and has made it available to all of us. □

Never say die

Teesta Setalvad tells the story of her crusade seeking justice for the victims of the 2002 Gujarat pogrom.

BY ANUPAMA KATAKAM

AN aggressive vilification campaign by the right wing has landed Teesta Setalvad in a situation where she is forced to divert her energy to protecting herself. The crusader who has relentlessly fought for justice for the marginalised and for minorities has been in recent times the target of attacks on her reputation and, in a few instances, on her life. She is one of the country's most inexhaustible human rights activists and has tried hard to speak above the jingoistic nationalist din that appears to have taken over democratic India. Her attempts at justifying her work, mainly that of fighting the injustices that have rendered thousands violated, homeless and helpless, have often been dismissed or ignored by the mainstream media. Consequently, the debate has sadly gone silent—definitely a blow to the movement against communalism.

But Teesta Setalvad is not one to be put down. She makes herself heard in her book *Foot Soldier of the Constitution: A Memoir*. The book is a testimony to the many controversies she combats and reflects her indomitable spirit in the face of the many curveballs

thrown her way. The book makes it clear that Teesta Setalvad's fight is not just about Gujarat. It is a battle for justice and for upholding the principles of the Constitution.

It comes out at a time when Teesta Setalvad and her husband, Javed Anand, are fighting a battle to defend their integrity. The couple have been accused of misappropriation of funds raised for a museum in memory of those who lost their lives in the 2002 Gulberg Society carnage. In this book Teesta Setalvad tells her story boldly and honestly.

She begins her narrative by speaking about her exposure to communalism as a young journalist. She chronicles three major

communal riots—Bhiwandi (1984), Ayodhya/Babri Masjid (1992-93), and the Gujarat riots (2002). The account of the Gujarat riots is meticulously researched and chilling. Her introduction to Gujarat, the State's deep-rooted communal bias and how it all began is riveting, particularly for those who ask "why Gujarat?"

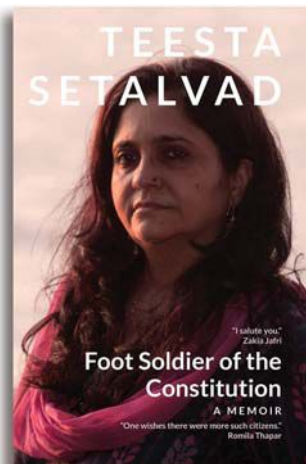
She writes: "In July 1991, I did a State-wide report on the surge of entrenched communal conflict in Gujarat. The BJP had, at that time taken out the Rath Yatra... I visited six or seven cities within the State, taking the intra-city trains. One conversation on one of these train journeys remained with me. It was with a Guj-

arati Hindu businessman. He was gleeful at the growing popularity of the aggressive and violent organisations that owed their allegiance to the ideology of Hindutva and the Hindu Rashtra. 'They have removed the fear within the Gujarati to fight and kill, to take to violence. That is good,' he said."

Later, in the chapter titled "Opening", she says: "Now since 2014 we have entered the age of the Gau Rakshak or Cow Taliban. What is happening across India was pioneered in Gujarat sixteen years ago. It is where the Cow Taliban mastered its acts of targeted violence."

The memoir is divided into four chapters: "Opening", "Roots", "Let Hindus give vent" and "Being their target". The first two chapters trace her early years and include delightful anecdotes about her college years and her brush with activism then. She writes about becoming a journalist rather than a fourth-generation lawyer and her shift from mainstream reporting to starting the magazine *Communalism Combat* with Javed Anand, and about what eventually propels her into seeking justice for victims of mass communal crimes.

Teesta Setalvad belongs to a prominent and highly respected Mumbai-based Gujarati family. Her grandfather, M.C. Setalvad, was India's first Attorney General and founder of the Bar Council of India. Her great-grandfather Chimanlal Setalvad was a contemporary of Motilal Nehru. Her father,



Foot Soldier of the Constitution

A Memoir

By Teesta Setalvad
LeftWord Books

Pages: 211

Price: Rs.295



VIVEK BENDRE

TEESTA SETALVAD AND HER HUSBAND, Javed Anand, in August 2015 outside the CBI office in Mumbai where they had been called for questioning in connection with the FCRA violation case.

Atul Setalvad, was a Mumbai-based lawyer.

Teesta Setalvad writes about her close association with the eminent Supreme Court lawyers Fali Nariman and H.M. Seervai, India's foremost constitutional experts who advise her and keep her on track.

Unapologetic of her privileged background, and in fact proud of the larger-than-life figures in her life, she writes with nostalgia of her growing-up years, in particular her father's deep influence in shaping her. She says: "Bombay had opposed the horrors of the Emergency both on the streets and even within its institutions.... All our homes had been seats of hectic parleying and meetings. I re-

member Atul telling me not to worry about studies but to campaign against the Emergency and the Congress party."

She reiterates throughout the book that her faith in the Constitution is absolute. She believes that democracy cannot work without strong institutions that adhere to constitutional principles. The past 15 years have been tumultuous for Teesta Setalvad, but her tone is even as she lets incidents speak for themselves. Her frustrations and disappointments do break through at times, but her research is meticulous always and her journalistic experience ensures that the reports are factual. She writes about visits to Delhi in 2001 to appeal to Fali Nariman to consider

public interest intervention in the Supreme Court as her documentation was pointing to a disaster in the making in Gujarat: "I pleaded with fellow activists as well as senior politicians and bureaucrats to train their lens on the State. I had absolutely no idea what form or shape the disaster would take but [it] was eerily clear that, given the planning and build-up, something ghastly, and irretrievable would happen." She repeatedly acknowledges the support and encouragement she gets from a range of family, friends and associates.

SECOND HALF

While the first two chapters set the scene for Teesta Setalvad's crusade, the

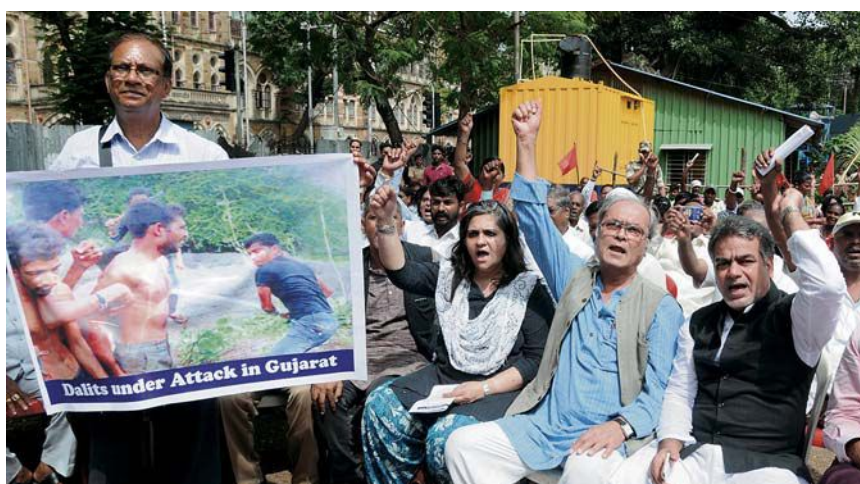
third and fourth chapters get to the heart of it. With a group of intellectuals, she set up Citizens for Justice and Peace (CJP) as a first step in the battle for justice. At the start of the chapter "Let Hindus give vent", she says: "If Bombay ten years ago was bad, then Gujarat is one thousand times worse."

About the start of her legal battle, she writes: "Within days of the coverage [2002], a resolve shaped into a dogged commitment based on the dual experiences: of having lived through Bombay 1992-1993 and now Gujarat 2002: mere documentation and advocacy and campaigning on the targeted mass crimes that exposed bitter fault lines of bias and prejudice in our



SHANKER CHAKRAVARTY

WITH ZAKIA JAFRI AND HER SON, Tanveer Jafri, at a panel discussion on the Gulberg Society carnage case, in New Delhi in May 2013.



VIVEK BENDRE

WITH JAVED ANAND at a rally in Mumbai to condemn violence against Dalits and Muslims by vigilante squads in the name of cow protection, in August 2016.

institutions of democracy and governance would not be enough. It was time to test the criminal justice system, from several angles; can justice ever be done when mass violence happens?."

The compelling narrative makes this chapter a definite page-turner with its detailed description of the violence that spread across Gujarat. Teesta Setalvad, by virtue of being very well known in Gujarat, virtually functioned as a "control room" during the

weeks of rioting. She provides information that is new and shocking even for those who consistently followed the communal pogrom.

She does not hesitate to take on former Gujarat Chief Minister and India's Prime Minister Narendra Modi. Along with the slain Ehsan Jafri's (former Member of Parliament) family, she accuses him of complicity in the Gulberg Society killings.

She has faced not just a protracted legal battle but

has been the target of nothing less than a witch-hunt. Ever since the CJP began taking on riot victims' cases, she and her team have been accused of tutoring and kidnapping witnesses (Zahira Sheikh, 2004), submitting false affidavits (2010) and financial embezzlement (2014). She was almost arrested in 2015 and her bank accounts remain frozen.

The final chapter, "Being their target", provides details of the harassment: threatening and abusive

phone calls and insults and abuse that came from all quarters, including Supreme Court lawyers. The mainstream media, once supportive of her, changed its tone to insulting. There are hints of despair in this last chapter as there is no end in sight as yet to the suffering. The Zakia Jafri case and the Gulberg museum case are still in court.

But Teesta Setalvad will not go down without a fight. She does not spare any details in speaking of the Gulberg massacre case, the damning evidence collected by her team and the inefficiency of the Special Task Force (STF). She justifies the museum project and leaves it to the reader to understand that it was an honest effort that went awry.

There have been just over a 100 convictions in the riots that killed 790 (official number) people (activists say thousands actually died). It has been widely agreed that if it were not for Teesta Setalvad, even this number would not have been found guilty. The book could have been voluminous given Teesta Setalvad's experiences and research, but she keeps it an easy read which makes it accessible to a larger audience. It is an inspiring story, a handbook for activists that gives the true picture of communal incidents that have been a blot on India's history.

While Teesta Setalvad does narrate the constitutional failure of the executive, the legislature, the judiciary and the media in the book, she does not give up hope. Truly a foot soldier, she continues to march on even in the direct line of fire. □

On macabre pogroms

Excerpts from the book *Foot Soldier of the Constitution: A Memoir* by Teesta Setalvad.

THE Bhiwandi conflagration of 1984 drew me—as a journalist first—into the world of communal riots. Bombay started to fall prey to communal mobilisation from 1984, when Bal Thackeray, the Shiv Sena supremo, had—for the first time—used Hindutva as an overt plank. His annual speeches on Vijayadashami Day had become strident, incendiary and indicting, carefully aping and sharpening what the Rashtriya Swayamsewak Sangh (RSS) and Vishwa Hindu Parishad (VHP) were saying. His Shiv Sena was to proudly claim credit for tearing down the three domes of the Babri Mosque on 6 December 1992, eight years later.

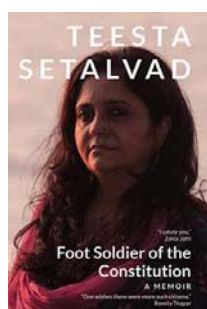
From 1986, there was a countrywide mobilisation around the Ramjanmabhoomi movement, which had less to do with building a temple for Lord Ram and more to do with ostracising the Muslim community. Babar ki Aulad, a slogan popularised by Sadhvi Rithambara, came to epitomise the venom spouted from that year onwards against India's Muslims (Rithambara, who had a long invisible spell, rushed

to tie a *rakhee* on Modi for Raksha Bandhan after he won the Lok Sabha elections in 2014). The Ramjanmabhoomi campaign was a sustained and skilful demonising of a large section of the Indian population. It justified hatred and violence that thereafter was perpetrated against Muslims. In 1983, the VHP and leaders of eighty-five sects of Hinduism conducted an Ekatmata Yagna (integration rite), which projected a picture of Bharatmata (Mother India) and the *kalash* (brass vessels) of 'holy water' from different rivers. Religion was being made totally political. In October 1984, the VHP tried to make the mosque-temple question a national issue with its Sri Rama Janma Bhoomi Mukti Yajna Samiti. The Samiti was formed on 27

July 1984 with the sole aim of 'liberating' the disputed site. A 130-kilometre march was started on 8 October 1984 from Ayodhya to Lucknow, the State capital. The yatra (march) participants reached Lucknow on 14 October, organised a public meeting, and called on the Chief Minister "to fulfil the long outstanding demand of the Hindus". The next day, a Sri Rama Janaki Ratha (Ram-Sita chariot) began to tour major UP towns so as to mobilise public opinion and to administer a Janmasthan Mukti Pledge to the public. Although the ratha reached Delhi on 31 October to join a Hindu Convention on 2 November, Indira Gandhi's assassination forced the cancellation of the programme.

The Shah Bano verdict by the Supreme Court in

1985 led to a marked polarisation in Bombay—especially in the iconic Mohammedalli Road areas, near the Minara masjid where huge meetings were held. Dominated by Muslim male clergy, the meetings were large, attended by strident men (and a few women). The Supreme Court had granted a paltry Rs.125 in civil maintenance to an elderly deserted and divorced woman, Shah Bano. It had taken her years to get this result. "We will not allow any interference in our personal laws," said the leadership of these demonstrations—standing for a Muslim community against people like Shah Bano. On the one side there was the seriously vicious anti-Muslim rhetoric epitomised in the notorious Bal Thackeray speech of October-November 1986 where he exhorted "Hindus to arm themselves"; on the other side was the blind and immature Muslim leadership that walked straight into the paradigm set by the Hindutvavaadis. Majority and minority communalism fuelled each other. Rajiv Gandhi's Congress played dangerously with this terrain. He succumbed to pressures to pass the Muslim Women (Protection of Rights on Divorce) Act, 1986, on the one hand, and on the other hand, took the decision to unlock the gates of the Babri Masjid and allowed priests to enter the mosque's compound in February 1986. After attempts made to install an idol illegally soon after Independence, an ad-



"The 1992-93 violence that rocked Bombay altered the direction of our lives..."

ministrative bar had, in a sense, closed the dispute since 1949. Secularism took a beating as these incidents began to define the situation.

Bombay was turning onto itself, defying the very spirit of inclusiveness and cosmopolitanism that has been its guiding principle. By 1984, I had shifted to *The Indian Express*—offered the job for my coverage of the Antulay trial—and by 1989 had joined *Business India*. I remained at *Business India* till both Javed and I quit our professions in mainstream journalism to start Communalism Combat. But even before this formal move, we had both become drawn, as journalists, to mobilise mediapersons against the systemic hate speech and hate writing emanating from *Saamna* and often—when it came to Bal Thackeray’s speeches—being reflected even in mainstream newspapers. In 1986 Thackeray said, “Hindus should arm themselves”, which *Maharashtra Times*, a much-respected Marathi daily, had splashed across banner headlines. We ran a campaign to register an FIR against Thackeray. Several hundred journalists had signed. We met the Chief Minister S.B. Chavan on this issue.

Bombay and India appeared to be at a frightening cusp—would it collapse

into hatred? In our own small way we tried our best to stem the tide, mobilise public opinion, raise a dissenting voice through meetings, the writing and distribution of pamphlets, and the creation of campaigns. Bal Thackeray cast a pall over Bombay in those days. In *The Sunday Observer*, Javed wrote a strong piece, espousing an unusual viewpoint. In it, Javed argued against the stridency of the Muslim leadership under the Babri Masjid Action Committee (BMAC), urging that the issue should be left to the Constitutional authorities and not to those determined to break the law. Making the question of the Babri Masjid an identity-driven conflict, he argued, would inevitably impact adversely on society. It was a strong argument, even if it seemed idealistic at that

time. Javed was, surely, proved to be correct as events unfolded in the decades ahead.

In 1989, a friend and colleague Sajid Rashid—a bold and courageous journalist for the Urdu and Hindi press—decided to run for Assembly from the Kurla seat on the Janata Party ticket. He indomitably stood for secularism and always defied his community’s archaic and self-serving leadership. Sajid lived in the belly of the Muslim ghetto. During the campaign, a young Muslim boy went to eat *paan* days before the election. He was killed. It was a nasty, preemptive move to generate terror and prevent Muslims from coming out to vote. Sabrang—our informal platform at that time—decided to act. Founder members included Javed and myself, of course, but also CITU leader and communist Vivek Monteiro and journalist Sudheendra Kulkarni (before he crossed over to the other side). We held a public meeting outside Kurla station, where over nine thousand people gathered. Ahilyatai Rangnekar (CPI-M), Ramdas Athawale, leaders of the Dalit Panthers and film star Amol Palekar addressed the gathering. Pamphlets and posters were distributed as we reclaimed the streets. We were being drawn more and more into interven-

tions that were not only journalistic.

The 1992-93 violence that rocked Bombay altered the direction of our lives. A decade-long experience of covering, researching and understanding communal violence prepared me to understand what was to come between 6 December 1992 and late January 1993. I was out in the field from that first afternoon—Sunday 6 December. I visited Dharavi, where the first “victory” procession—a cycle rally of two to three hundred Shiv Sena activists—was allowed by Inspector Gharghe. In Pydhonie, the local Shiv Sena and others organised a “temple bell ringing ceremony” to celebrate the demolition.

The RSS and the Shiv Sena worked cleverly together. The streets were theirs. A few of us correspondents, confounded by the sheer extent of the violence and the organisation behind it, scoured the streets to record testimonies, shared insights with each other and tried our level best to get the police and authorities to act. At the time I developed a thesis—Who Cast the First Stone—that made the case that the assailants would conduct brute bouts of violence and then craft a shrill narrative that made the aggressor the victim and the victim the aggressor. It was



ZAHIRA SHAIKH, who turned hostile in the BEST Bakery case.

“Among the footage he [Pankaj Shankar] had shot in those early days in 2002 were scenes of the BEST Bakery carnage.... There was footage with Zahira [Shaikh] recording in detail what was her initial reaction to the carnage...”



VIJAY SONEJI

ABANDONED AND BURNT HOUSES at Ahmedabad's Gulberg Society, where former Member of Parliament Ehsan Zafri was among many others killed by a violent mob during the 2002 Gujarat riots.

clear that after the demolition in Ayodhya, the first acts that violated the law were “celebrations” organised by the RSS and the Shiv Sena in Dharavi and Pydhonie. Yet, the BJP-Shiv Sena successfully flipped the story. Dharamsingh Choradia of the BJP said that “mad, enraged Muslims attacked buses and public property”, adding that the violence came from areas that housed Bangladeshi migrants. Certainly, enraged and upset Muslims did protest in disbelief and anger on 7 December, but nothing can take away the fact of the senseless and brazen provocations on 6 December both in Ayodhya and in Bombay. Worse, the

police fired to kill on 7 December—eighty per cent of those who died were Muslims. This alienated and angered the Muslims of Bombay even more. The Bombay police showed an ugly face in this period, something that additional commissioner V.N. Deshmukh testified to before the Justice B. N. Srikrishna Commission. Deshmukh's testimony should be widely read.

‘LET HINDUS GIVE VENT’

I reached Gujarat in early March 2002. I began to scour the relief camps and districts, then, returned back to Ahmedabad, exhausted. Late into the night, I would pen the

alerts for the statutory bodies, the Supreme Court, the President of India, NHRC and other human rights forums. The overwhelming sense when I described things back home to Mumbai was—“If Bombay ten years ago was bad, then Gujarat is one thousand times worse.” In the first six months, I was physically attacked five times. Twice the drivers of hired vehicles abandoned me in villages, fearful of the consequences of the journeys for them. Within days of the coverage, a resolve shaped into a dogged commitment based on these dual experiences: of having lived through Bombay 1992-1993 and now Gujarat 2002: mere documentation and advo-

cacy and campaigning on the targeted mass crimes that exposed bitter faultlines of bias and prejudice in our institutions of democracy and governance, would not be enough. It was time to test the criminal justice system, from several angles; can justice ever be done when mass violence happens? Can our courts restore the faith in the system? People's confidence and trust in their neighbourhoods, and even their friends, had been snatched away.

This is what I told Javed in the nightly calls I made. Since I was away alone till odd hours, there was incessant worry at home. I remember saying that now we need to move

“It was clear that subjugating a community through these attacks on girls and women was part of the pre-planned strategy. It could not have been conducted without large bands of men trained to hate Muslims and objectify their women. This is what happened in the training camps...”

the courts and see if justice can be done, to test the system and ask whether there can be recompense. We knew that this task could not have been undertaken by us alone and that we would need a strong body of citizens committed to the rule of law to take on that task. That was how Citizens for Justice and Peace (CJP) was born. In early April, in Nandan Muluste's home, Pankaj Shankar showed us the uncut version of *In the Name of Faith*. It was a raw film that depicted all that needed to be said about the gross cruelty that was deliberately allowed free reign. Those of us in the room—Alyque Padamsee, Cyrus Guzder, Kadrisaab, Nandan Muluste, Shireesh Patel, Anil Dharker, Ghulam Peshimam, and Javed Anand—watched the film. Taizoon Khorakhiwala and his wife Edith have also been fellow travellers in our intense journey. Tears flowed freely at that screening. They turned to disbelief and anger at the extent of abdication of constitutional governance. We then resolved to action. It is no coincidence that those who were present that day were also among those who had been at the forefront of the citizen's mobilisations after the Babri demolition and Bombay pogrom in 1992-93. The understanding and connections be-

tween the two bouts of violence, both of which reflected state complicity at different levels, were there.

If our courts, politicians, bureaucrats and policemen, had punished the perpetrators of 1984, then the violence of 1992 would not have so easily happened. If the survivors of the Bombay killings of 1992-1993 had earned real reparations and justice, none in the political class, bureaucracy and police, would have so easily beaten the 2002 drum. It is this all-pervasive culture of impunity that has allowed the perpetrators of mass violence, right from Partition to the present, to go scot-free. Within India's administration and police force, too—barring a few, stray and rare exceptions—the steel frame resists accountability and transparency. It closes in like an armour of protection, freezing out and targeting even those who pursue the path of justice.

Film-maker Pankaj Shankar was to resurface in the narrative later (2004-05), when Zahira Shaikh turned hostile for a second time in Mumbai in 2004. Among the footage he had shot in those early days in 2002 were scenes of the BEST bakery carnage the day after the incident (2 March). There was footage with Zahira recording in detail, what was

her initial reaction to the carnage—what the law considers a first information report (FIR) about the crime. When Zahira tried, after November 2004, to deny that she had ever done this, the footage told its own tale. Shankar not only allowed himself to be grilled by a crude defence led by Shiv Sena's former member of parliament—Adhik Shirodkar—but refused to crack under the venomous onslaught. The judgment of the trial court has a significant section on the validity of this video testimony. It indicts the Shiv Sena counsel—Shirodkar—who spent a significant amount of the court's time during the pre-trial phase abusing my family name and me. For people like Shirodkar, it was the name 'Setalvad' that had pulled Thackeray to court in 1993. It had again proved to be a thorn in the flesh of the post-2002 crude and violent Hindutva project.

Our nightly alerts went out to the President of India, the Chief Justice of India, the Prime Minister, the National Human Rights Commission and to other statutory bodies. They also went to thousands of citizens and journalists all over India. These alerts were invaluable first person testimonies on the extent and dimensions of the violence. The issues

raised in the alerts helped dictate the legal actions that were to follow. Some of the themes that emerged out of the Gujarat carnage of 2002 were as follows:

The post-mortem of the victims of the tragic Godhra mass arson took place in the open at the rail yard in the presence of the health minister Ashok Bhatt and thereafter, the chief minister Narendra Modi. The evidence for this became sharper as various investigations unfolded.

The bodies of the victims arrived in Ahmedabad in a motor cavalcade. They were handed over to the Gujarat secretary of the VHP—not an organisation known for its sobriety. This decision to hand them to the VHP was taken at the highest level of the state political leadership. Even P.C. Pande, then Commissioner of Police of Ahmedabad, was known to have recorded his strong displeasure at this decision. It led to large mobs of angry RSS men and women joining in the daylight funeral procession on 28 February 2002. The government allowed this procession. It was an immediate provocation.

The state machinery did not act to arrest or detain communal criminals once Godhra had happened. There were no preventive measures taken by the government. The delib-

erate delay in the declaration of curfew and the use of the Army says a great deal about the interests of the government. The government, on the other hand, openly declared support for the Gujarat Bandh called on 28 February and the Bharat Bandh called on 1 March by the VHP. A strong umbilical cord binds the BJP, the VHP, the Bajrang Dal and the RSS—with the latter being the core of the Parivar.

The violence was widespread and systemic. It lasted (in its intense form) right until May 2002 when the then Prime Minister Vajpayee sent K.P.S. Gill to take charge. Things did not really settle down till August 2002, when the Chief Election Commissioner visited the state.

The violence followed a staged pattern—similar in far-flung districts of the state. Large armed militias of ten to fifteen thousand men, many on motorbikes—following carefully directed commands—terrorised certain neighbourhoods. They used gas cylinders, white chemical powder and weapons.

Daylight attacks lasted for hours and included acts of gendered violence unprecedented for their barbarity. This was evident in Randhikpur, Sanjeli, Eral and Fatehpur in Panchmahal/Dahod in north Gujarat, in Vadodara and Ahmedabad (Naroda Patiya and Gulberg). It was clear that subjugating a community through these attacks on girls and women was part of the pre-planned strategy. It could not have been conducted without large bands of

men trained to hate Muslims and objectify their women. This is what happened in the training camps, which the tribunal had documented.

Hate-filled reports in mainstream newspapers like the *Sandesh* and also in pamphlets were recovered from all parts of the state. Some of these had been openly authored by the RSS-VHP; others were anonymous. These were open exhortations to break the law, socially boycott and even physically attack Muslims. Senior police officers, as we found during the Zakia Jafri case, urged for the prosecution of the writers of these pamphlets. Predictably the chief executive of the state, also Gujarat's chief minister and home minister, namely Narendra Modi, ignored these recommendations, despite the fact that his state intelligence chief (R.B. Sreekumar) and also another senior police officer, then SP of Bhavnagar, Rahul Sharma, had recommended—in writing—that both the newspaper *Sandesh* and the Vishwa Hindu Parishad (VHP) should be prosecuted for inciting violence against the minorities.

State complicity came

into play in the subversion of the criminal justice system. FIRs were doctored. The new FIRs diluted the crimes by clubbing criminal complaints of victims together in one magnum FIR, where the names of the accused with powerful connections disappeared. FIRs were not filed in the name of the victim complainants, who had proffered them, but in the name of police officers. Deliberately not investigating the complicity of the police officers was commonplace. The state appointed public prosecutors who owed their allegiance to the RSS and not to the Indian Constitution.

The state showed utter callousness and absence of remorse in the way it treated the victims, who were huddled and traumatised in relief camps. They were refugees in their own land. Modi went to Becaharaji during his election campaign of 2002 and said—with venom—“relief camps are baby making factories”. This kind of rhetoric debased the conscience of Gujarat. Star Television aired the tape with the obnoxious speech in September 2002, but thereafter the media has chosen, through selective

amnesia, to allow public memory to easily forget. The government debarred foreign aid to Gujarat for the camps. This was even documented by the Editor's Guild of India.

High on the success of its project, two decisions of the state government under Modi are very significant. One was to announce discriminatory amounts in compensation for the Godhra and post-Godhra victims. The second was to announce a one-man Inquiry Commission headed by retired judge K.G. Shah, who had questionable credentials. The national public outcry, from different quarters and also by Justice J.S. Verma, former chief justice who headed the NHRC, compelled a retraction. Justice G.T. Nanavati was added as senior judge on the commission and amounts in reparation were equalised.

Policemen who stood firm to defend the law were carefully and systematically targeted. As time wore on, and powerful perpetrators grew in political strength, those who had stood their ground began to prefer silence and invisibility. Those who subverted the law—and there were too many of them—have been rewarded.

Gujarat 2002 was about impunity of the most unique and unimaginable kind. The task before us then was to legally and through advocacy puncture this abiding acceptance of the culture of impunity. This culture was visible in earlier bouts of targeted pogroms as well, but in this case it was at a macabre and magnified scale. □

“The state showed utter callousness and absence of remorse in the way it treated the victims, who were huddled and traumatised in relief camps. They were refugees in their own land.”

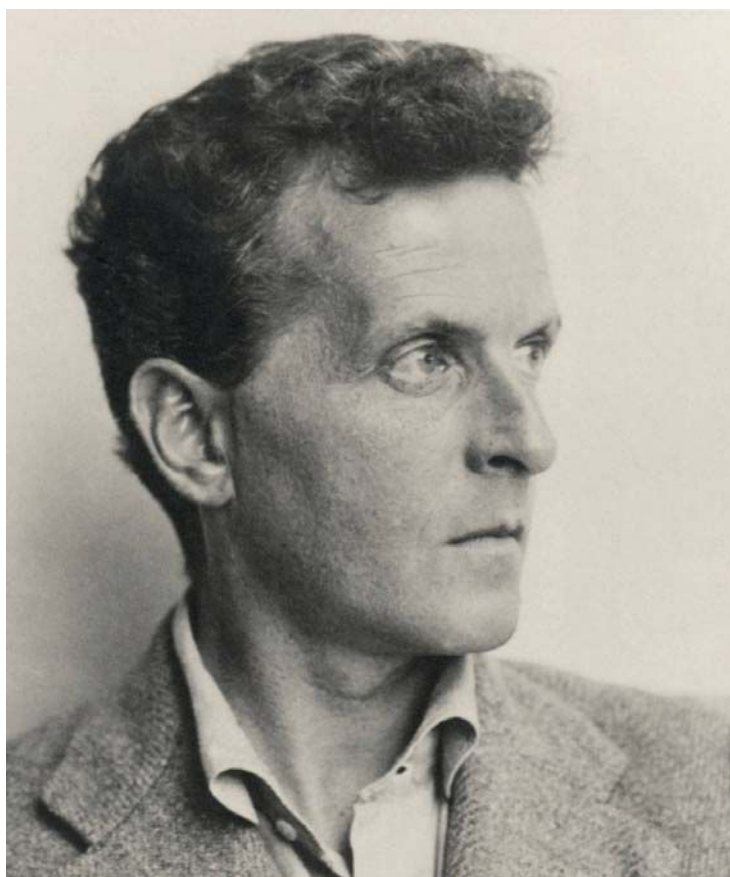
Unconquerable mind

A look at **Ludwig Wittgenstein**, the redoubtable genius of freethinking and fearless challenger of blinkered theoreticians.

BY **ASIM KUMAR MUKHERJEE**

LUDWIG WITTGENSTEIN, a contraction of Ludwig Joseph Johan Wittgenstein, was born on April 26, 1889, in Hapsburg, Vienna (Austria), the eighth and last son of Karl Wittgenstein. His great-grandfather Moses Meier served the wealthy family of Seyn Wittgenstein and had to take the master's surname "Wittgenstein" in pursuance of the Napoleonic diktat that Jews had to adopt a surname. That racial stigma is still hanging over the Jewish community. Hermann, Maier's son, strove desperately to wriggle free of the racial opprobrium. Fanny Figdor, of eminent Jewish stock, espoused the Protestant faith before she married Hermann. Ludwig in later life was harassed by the Nazi regime and had to face ostracism and banishment. It is thanks to some Englishmen of letters that the genius escaped the Holocaust.

At the time of Ludwig's birth, the family was at the acme of its splendour and glory. His father, an audacious entrepreneur, despised and abjured his father's classical tradition and fled home to lead a precarious existence as a waiter, a musician and even a music teacher. Between 1867 and 1898, his fortunes rocketed sky high, equivalent in status to tycoons such as the Krupps, the Carnegies and the Rothschilds. In Vienna and the countryside, he amassed enviable properties, the most notable of which were Allegrasse, or the Palais Wittgenstein; New Waldgasse in Vienna; and the Hochreit in the countryside.



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LUDWIG WITTGENSTEIN [1889-1951].

Prima facie the environment was propitious to the growth and efflorescence of any family. But at home, Karl's sons, except for Ludwig, were gripped by a suicidal instinct or a rage for self-destruction. The social and cultural climate in Austria then was becoming progressively susceptible of such behaviour, and the national sentiment became

intolerant of old customs, social mores and even of the age-old decrepit rules and lines of music, art and architecture. Thus, the general ethos was surcharged with the dualities of repression and revolt. But in Ludwig's family it struck a more tragic note. His two elder brothers, Hans and Rudolf, fled home and committed suicide. Apart from the father's

regimen, Austria itself, and Vienna in particular, suffered its worst cultural debacle. The great Hapsburg dynasty split into the five national states (Austria, Hungary, Poland, Yugoslavia and Czechoslovakia) and its age-old traditional values in music, architecture and social mores steadily yielded to a new movement: Sigmund Freud and Georg W.F. Hegel on the social, national and psychological platform, Arnold Schoenberg in music and Adolf Loos in architecture.

MEETING BERTRAND RUSSELL

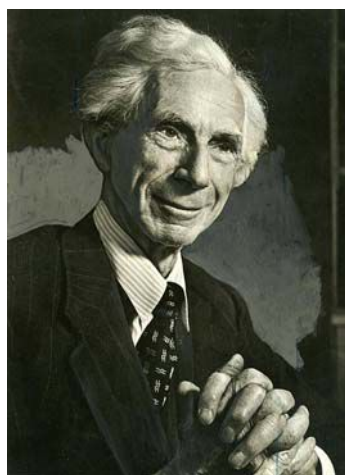
Balked of his passions with Gottlob Frege (in Austria), Wittgenstein appeared before Bertrand Russell, a circumstance that may be dramatised as the confrontation between a seasoned philosopher celebrity and a soul-searching youth in his twenties who would ride roughshod over philosophical half-truths and “pseudo-logical” assertions. Wittgenstein’s *Tractatus Logico-Philosophicus* questions primarily the validity of “logic” as a foolproof discipline. Russell’s first encounter with “my German engineer” was while taking tea with C.K. Ogden (the first translator of the above book). To Ottoline, his wife, he wrote: “[A]n unknown German appeared, speaking very little English, but refusing to speak German. He turned out to be a man who had learned engineering at Charlottenburg, but during his course had acquired, by himself, a passion for the philosophy of mathematics and has now come to Cambridge on purpose to hear me.”

But this first encounter proved non-fructuous; Russell’s snappy, yet categorical, remarks about Wittgenstein bear out the fundamental opposition: “My German engineer, I think, is a fool. He thinks *nothing empirical* is knowable—I asked him to admit that there was no rhinoceros in the room, but he couldn’t.... [Wittgenstein] was *refusing to admit the existence of anything except asserted proposition*.... He is armour-plated against all assaults of reasoning. It is really a rather waste of time talking with him.”

After his return to Cambridge af-

ter the Michaelmas term in 1911, say by January 1912, Wittgenstein gave positive proof of his genius to the great philosopher when he presented him with his manuscript. Russell made a remarkable turnaround: “I love him and feel he will solve the problem I am too old to solve.... He is *the* young man one hopes for.” Russell was forced to admit that more fundamental to human knowledge was not the “logical principles of mathematics” (*Principia Mathematica*) but to understand (not “define”) “what is logic?” And on February 1, 1912, Wittgenstein was admitted as a member of Trinity College (Cambridge) with Russell as his Supervisor.

If one is to conjure up a picture, Wittgenstein’s interests were essentially pitched on a kind of “experimentalism” that sought to absorb within its ken human psychology, patient pathology and the role of rhythm in musical appreciation apart from philosophy, which was his chief concern. He firmly held the view that music sometimes did have accents that were not there in the given “notes”. C.S. Myers, the Cambridge psychologist, demonstrated it to the British Society of Psychology.



THE HINDU ARCHIVES

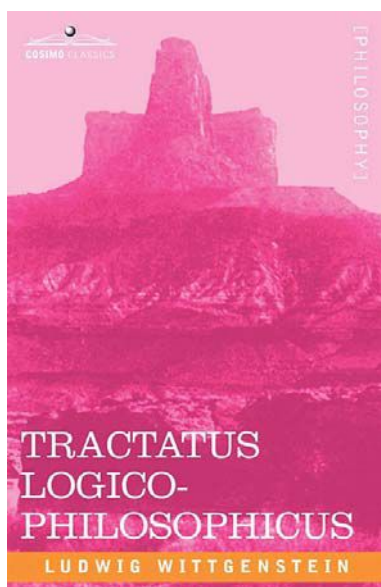
LORD BERTRAND RUSSELL,

British writer and philosopher and the winner of the Nobel Prize in Literature in 1950. On February 1, 1912, Wittgenstein was admitted as a member of Trinity College, Cambridge, with Russell as his Supervisor.

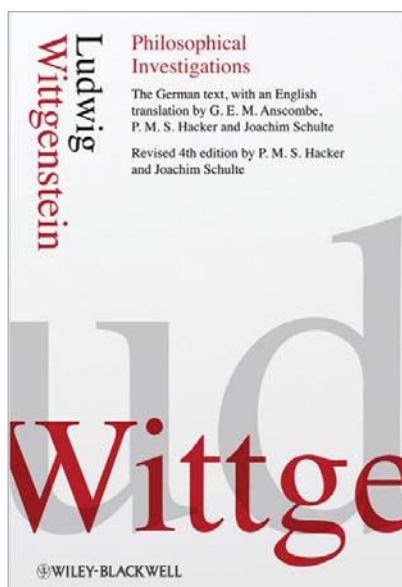
“The chief result obtained from them,” attested Ray Monk, Wittgenstein’s biographer, “was that, in some circumstances, subjects heard an accent on certain notes that was not in fact there” (*Ludwig Wittgenstein: The Duty of Genius*, page 50). The “result” confirmed his assertions when he firmly opposed Russell’s contention about the “rhinoceros in the room” adduced earlier.

Russell’s logical theories were facing a cul-de-sac, especially his theory of types. This phase of Wittgenstein’s controversy with Russell was marred and scarred intermittently with the political crisis in Austria on the eve of the First World War: the collapse of the Weimar Republic and the disintegration of the Hapsburg dynasty. However, he challenged Russell’s theory of types (in logic) with his symbolic logic around the atomic proposition “Socrates is mortal”, which splits into a “complex” made up of two “things”: *Socrates* and *Mortality*. Russell, in pursuance of the Platonic assumption that there exists not only *individuals* but also *abstract entities*, propounded his theory of types in which “Socrates” and “mortality” are not to be equated as they belong to two different “types”.

In his counter comment, Wittgenstein wrote to Russell from Vienna: “I think that *there cannot be different Types of things!* Every theory of types must be rendered superfluous by a proper theory of symbolism.” He contended that “Socrates” and “Mortality”, being types, lent themselves to being interchangeable “because if I treat ‘Mortality’ as a proper noun... there is nothing to prevent me to make the substitution the wrong way round”. Wittgenstein propounded, as a corollary, that the theory left a scope wherein the “abstract entity” (“mortality”) could easily be interchanged with the “individual” (“Socrates”), which was tantamount to preposterousness like the nostrum *a square peg in a round hole*. He proved that type-concept was too hidebound a philosophy for such a complex phenomenon as this creation. On the contrary, symbols were supple, sig-



THE BOOK questions primarily the validity of “logic” as a foolproof discipline.



THE BOOK comprises papers Wittgenstein brought out while he was in Norway.



IN “THE BLUE BOOK”, he voiced his protest against the “scientific” approach to philosophy.

nificant and variegated; he affirmed that “all theories of types must be done away with by a *theory of symbolism* showing that what seems to be *different kinds of things* are symbolised by different kinds of symbols which cannot possibly be substituted in one another’s places”.

Symbols are powerful and pliant as well as a protean entity. Thus, virtually from the beginning of 1913, Russell and Wittgenstein parted ways. David Hume Pinsent described an occasion at the beginning of 1913 when Russell entered their room to inform them about some reshuffling of lecture hours. In the course of their discussion, Pinsent noticed Wittgenstein “explaining one of his latest discoveries in the Fundamentals of Logic—a discovery which, I gather, only occurred to him this morning, and which appears to be quite important and was very interesting. Russell acquiesced in what he said without a murmur.”

NATIONALITY QUESTION

Our episode resumes with the Anschluss. Adolf Hitler’s mandate to Austria that Nazi Ministers should be in charge of the police, the army and finance was reinforced by a pe-

remptory threat: “You will either fulfil my demands within three days or I will order the march into Austria.” Two of Wittgenstein’s sisters, Gretl and Hermaine, and his brother Paul were branded Jews; their Hochreit was commandeered. *The Times*, of February 15, 1938, drew the fatal conclusion: “If Herr Hitler’s suggestion that Dr [Arthur] Von Seyss-Inquart should be made Austrian Minister of the Interior with control of the Austrian police were granted, it would in the general view of anti-Nazis in Austria mean that before long the words ‘finis Austriae’ would be written across the map of Europe.”

In Wittgenstein’s diary entry of February 16, the very day of the Minister’s appointment, we read: “Can’t work. Think a great deal of a possible change of my nationality. Read in today’s paper that a further compulsory rapprochement between Austria and Germany has taken place, etc.” Piero Straffa advised him not to land in Austria as, being branded a German after the Anschluss, his Austrian passport would be seized. So, he marked time in an utter state of anxiety and concern for his sisters.

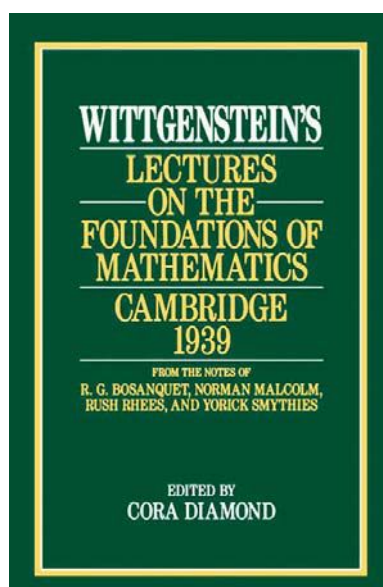
His options were clear-cut: ei-

ther he could opt to be a German Jew or he could be a British university lecturer. “I must say,” he said, “that the idea of becoming (or being) a German citizen, even apart from all the nasty consequences, is APPALLING to me (This may be foolish, but it just is so).”

Thus he addressed John Maynard Keynes, the eminent Cambridge economist: Since he had served as an “assistant faculty lecturer” in Cambridge for five years, he claimed that he was eligible to apply for the post as there was no other vacant job. He persuaded Keynes that the job would throw open to him two ways to wriggle out of the present impasse: “a) it would help me in becoming naturalised and b) if I failed in this and *had* to become a German I would have more chance *to be allowed out of Austria* again on visiting my people if I had a JOB in England.”

CAMBRIDGE YEARS

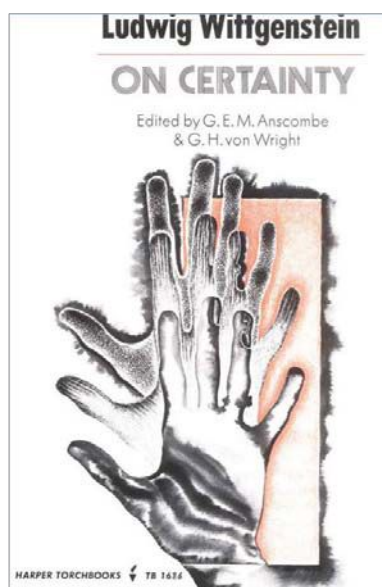
Wittgenstein’s equanimity and composure in Cambridge in the 1930s onwards can only be explained by the fact that he never allowed his redoubtable personality to be swayed by mean compromises. The odds



IN 1939, Wittgenstein conducted a lecture series on “The Foundations of Mathematics”, which Alan Turing attended.

were overwhelming. The post of professor of philosophy at G.E. Moore’s resignation had become a bone of contention; John Wisdom stood a fair chance as R.G. Collingwood, the Oxford historian, he knew, would be sure to disapprove of his work that was tabled in the format of Rush Rhee’s English translation of his original work in German. But by 1939, Wittgenstein (jocularly pronounced wittgittity by mockersnobs) had established himself as the foremost philosophical genius of his time. To top all adverse currents, the great Keynes was enough to tilt the balance in his favour. C.D. Broad’s asseveration: “To refuse the chair to Wittgenstein would be like refusing Einstein a chair of physics” was no idle boast. “He was simply stating a fact,” said Monk.

Wittgenstein’s own reaction was shorn of any tinge of vanity and self-congratulation; flattered or not, he was happy to get a tangible proof to bypass his “Austrian” opprobrium. He wrote to his close associate Norman Eccles: “Having got the professorship *is very flattering and all that*, but it might have been very much better for me to have got *a job opening and closing crossing gates*. I don’t



IN THE LAST TWO MONTHS of his life, Wittgenstein produced his last precious quantum of 376 paragraphs of “On Certainty”.

get any kick out of my position (except what my vanity and stupidity sometimes gets).” The fret and fume that underlay this confession pointed to his need to obtain a British passport. However, the labyrinthine controversy was clinched when he, on his application for British citizenship, was given a British passport on June 2, 1939. His biographer said: “No matter how illiberal their policy on the admission of Austrian Jews, the British government could hardly refuse citizenship to the Professor of Philosophy at the University of Cambridge” (*Ludwig Wittgenstein: The Duty of Genius*, page 45).

Wittgenstein’s Cambridge career consisted of a desperate effort to break new ground in the field of philosophy. In actual fact, Cambridge was then a battleground where interrelated disciplines strove to establish the truth in their respective fields without bias, rigidity or authoritarianism. F.R. Leavis and L.C. Knights in literature, Russell and G.E. Moore in philosophy and Keynes, among others, in economics disinterred their disciplines from their graves of scholasticism and placed them in the clear light of reason, human wisdom and clear sensibility.

Wittgenstein attacked the scientism that encumbered philosophy. Russell’s “type” theory was dislodged from its pedestal. In his *Blue Book*, Wittgenstein voiced his protest against the “scientific” approach to philosophy as a curse that infected the philosopher’s wisdom as they “see the method of science before their eyes and are irresistibly tempted to ask and answer questions in the way that science does”. He even threw a rider apropos of James Jean’s *The Mysterious Universe*: “Jean has written a book called *The Mysterious Universe* and I loathe it and call it misleading. Take the title.... I might say the title *The Mysterious Universe* includes a kind of idol worship, the idol being science and the scientist.” He once forbade his student to authenticate or take down his words when he spoke impromptu, for he said his views were continually modified by life and experience. His latest concept “change of aspect” (gestalt) established that truth revealed itself in its multiple variety depending on the “aspect” from which it was explored.

TAGORE’S PLAY

Of the graphs he drew to prove his concept, the “duck-and-rabbit” one is significant: turned reverse the long parted beak of the duck becomes the rabbit’s long ears. He cited his own experience of Rabindranath Tagore’s play *The King of the Dark Chamber* as an instance of this “aspect” theory. He seldom or never went by commendations: *The King of the Dark Chamber* did not appeal to him at first; it, however, induced him to go to it time and again until he fell plumb to the poet’s characterisations of Sudarshana and Surangama. He narrated his experience of the great poet Friedrich Klopstock: “I had read this kind of stuff and had been moderately bored... (but) I smiled, said: ‘This is grand, etc.... The important fact was that I read it again and again. When I read these poems I made gestures and facial expressions which were what would be called gestures of approval, etc. etc.’”

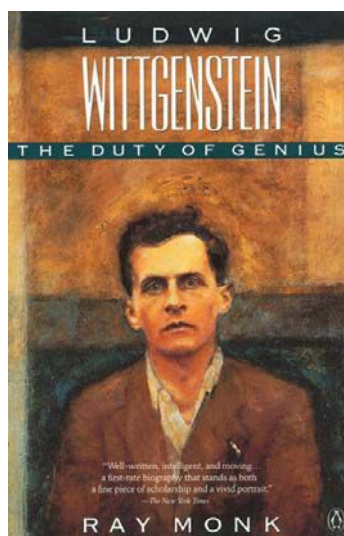
Such instances of his pasturage are numerous. He had an impatience

of theoretical abstractions and abstruse arguments. In his lecture series “Foundations of Mathematics, Wittgenstein controverted Alan Turing’s terminology “foundations”: “There is such a branch, dealt with in *Principia Mathematica*, etc. I am not going to lecture on this. I know nothing about it—I practically only know the first volume of *Principia Mathematica*.... The mathematical [emphasis as in original] problems of what is called foundations are no more the *foundations* of mathematics for us than the *painted rock is the support of the pointed tower*.” It shows his impatience with loose phraseology. He even entered into a fray with Turing over the concept of “hidden contradiction” in *mathematics*, but the debate petered out as Turing withdrew, complaining that his opponent resorted too much to linguistic *twists*.

Between 1939, the year he was elected professor, and 1945, the end of the Second World War, Wittgenstein passed through unprecedented polemical battles, some of which have been traced above. Concurrently, he brought out some papers while in Norway, later published as *Philosophical Investigations*. He held that no research was complete as a dead end; it evolved into ever new manifestations.

In the summer of 1947, he decided to resign his professorship. He feared that post-War Vienna would be a wreck. His resolve to resign was a *fait accompli*, yet he said: “I haven’t told the Cambridge authorities anything about it so far, as it’s not absolutely certain. (Though just now I can’t see how it can be avoided, I mean, my leaving Cambridge).”

To Georg Henrik von Wright, his executor, he wrote: “My mind just now is in great disorder. It’s partly due to this: that I dread seeing Vienna again after all that’s happened and, in a way, also dread chucking my job at Cambridge. But I’ll get over it.” He did: “I am in no way optimistic about my future, but as soon as I had resigned I felt that it was the only natural thing to have done.” In his last visit to Vienna, he witnessed a dismal scene. The city was occupied



by the Russian army as was the Kundmannsgasse house, which he had built for Gretl. Its keeper, a loyal servant of Gretl, was exposed to the slovenly behaviour of the army.

To Wittgenstein, the experience was not only nerve shattering but signified a total collapse of values. He handed in his resignation right on return. The Cambridge authorities granted him sabbatical leave for the Michaelmas term, which was their last act of commiseration; he remained a professor until the end of 1947 without being bound to any lecturing or having to live in Cambridge.

‘A WONDERFUL LIFE’

From Norway he went to Ireland, where the Wicklow countryside soothed his refractory senses. Even this shelter proved incompatible with his state of mind, and he shifted to Rosro in the west of Ireland. It was a lovely cottage in Connemara that had been used to hide prisoners of the Irish Republican Army and had, eventually, fallen into disuse. The brother of his friend Maurice Drury had owned it and used it as a holiday cottage. Wittgenstein lived in the kitchen (which became spare as he lived only on tinned food) with Thomas Mulkerrin, the keeper, who was instructed to look after his guest with care and sympathy as he was a “nervous” patient.

This period forms an idyllic seg-

ment of love, amity and natural community for Wittgenstein.

The thinner end of the spectrum of this redoubtable genius of freethinking and fearless challenger of blinkered theoreticians takes us to Storey’s End, Dr Edward Bevan’s home. Wittgenstein’s fatal cancer coursed through him like a monstrous alligator lapping up an animal, slowly but surely. He used to say that his body must never outlive his soul. X-ray and hormone treatment ceased; in his last letter to Roy Foulacre, whom he remembered exclusively from his days at the Guy’s Hospital, he did not tell him that he had cancer.

Medical intervention having stopped, he breathed a sigh of relief, telling Joan Bevan, Dr Bevan’s wife: “I am going to work now as I have never worked before.” During these two months, he produced his last precious quantum of 376 paragraphs of *On Certainty*. Before he lost consciousness on February 28, 1951, Joan Bevan told him that his Cambridge friends would be coming the next day to which he replied: “Tell them I’ve had a wonderful life.”

His friends Ben Elizabeth Ancombe, Yorick Smythies and Drury arrived at his death the next day. He was given a Catholic burial at St. Giles’ Church, Cambridge.

As an epitaph and *coup de finis* to the genius of such an “unconquerable mind”, I append these memorable words of his biographer, Monk: “And in other ways, too, he was dependent on other people in a way that he had not been since before the First World War. He had no income, no home of his own, and little taste for the solitariness and fierce independence that before he had craved” (*Ludwig Wittgenstein: The Duty of Genius*, page 551). □

Asim Kumar Mukherjee is a retired professor of English based in Kolkata.

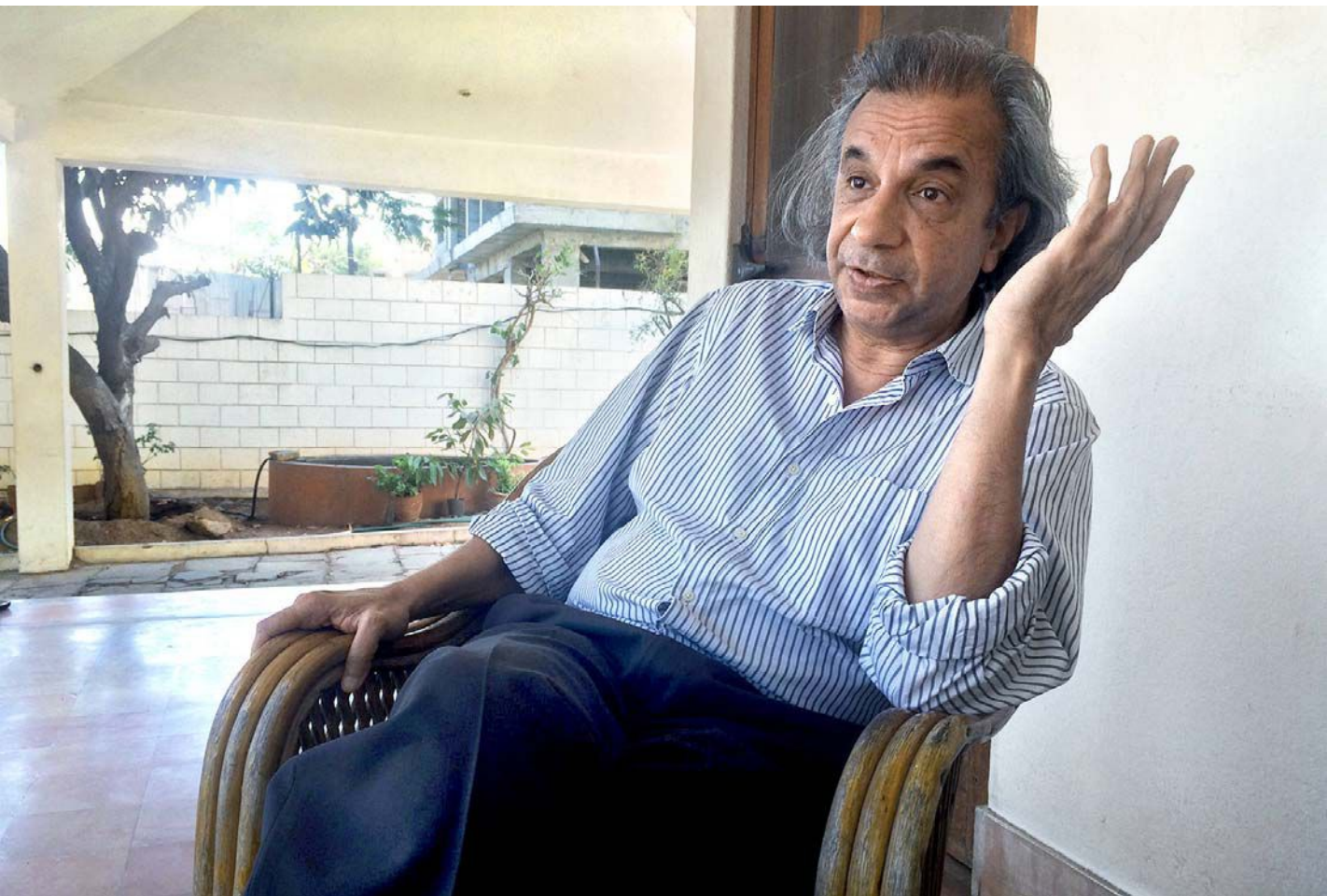
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On fascism and the ‘movement vacuum’

Interview with **Akeel Bilgrami**, professor of philosophy at Columbia University. BY **KUNAL SHANKAR**

KUNAL SHANKAR



“It will have to be the coming together of a secular, centre-Left opposition, including regional parties.”

THE Narendra Modi-led government is pathologically authoritarian in a way that approximates fascism, says Akeel Bilgrami, the renowned academic who teaches philosophy at Columbia University in New York. Describing the debate on whether the Central government is fascist or a government with fascistic tendencies as arcane quibbling over semantics, Bilgrami says the time has come for forging a broad centre-Left alliance of secular parties of the type that emerged during the Emergency, to fill what he calls a “movement vacuum”.

In a wide-ranging interview with *Frontline* in Hyderabad, Bilgrami reflects on the rise of the extreme Right worldwide, from Donald Trump in the United States to Nigel Farage in Britain. He was in the city to deliver a lecture on “Threat of Fascism”, organised by Hyderabad Collective, a network of professionals attempting to create a space for debate and analysis on pressing issues facing India today. Excerpts from the interview:

Narendra Modi’s ascendancy to the Prime Minister’s chair in New Delhi came amidst a string of right-wing parties rising to power globally, almost mirroring the Europe of the 1930s and 1940s. Must we be worried? Is this the sign of a great churning that could lead to disastrous consequences?

This is, of course, worrying. You are right that it is a global trend. In fact, it is more of a global trend now than it ever was in the 1930s and [19]40s when it was restricted to Europe. Speaking at a highly general level, the trend is prompted by two things—a chronic crisis of capitalism, and the failure of the Left to find an adequate response to it. It is a reaction to capitalism in its neoliberal mode of the last few decades: its inability to create sufficient employment, its generating acute and seemingly irreversible inequalities, its systematic destruction of the bargaining power of labour, its undermining of national sovereignties over their own economies, its making immigration, which could be a source of

strength for national economies, into a source of deep anxiety and complaint among working people.... And the failure of the Left to mobilise an adequate response to these crisis conditions creates what we might call a “movement vacuum”. You know, people talk of a power vacuum; well, this is a movement vacuum, and so extreme right-wing nationalist movements have stepped into this vacuum.

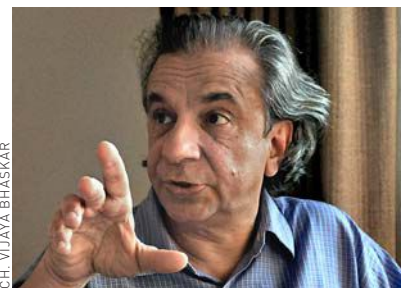
In India there has been some debate on whether the right-wing nationalism of the Modi-led Central government could be characterised as fascist or as a government led by a party with fascistic tendencies. What is your view on this?

This government has a *compulsively* authoritarian thrust. A safe generalisation we can make from the history of nations in the last century is that capitalist democratic states, unlike authoritarian states, achieve their effects through what Gramsci called “hegemony”, by which is meant that a ruling class gets to have its way by convincing all other classes that its interests are the interests of all other classes.

Authoritarian states need to be authoritarian precisely because this form of consent by all to pursue the interests of the ruling class is missing. If something like this generalisation is true, then we must infer that the present government either lacks the popular consent that is characterised by the notion of hegemony that it so boastfully congratulates itself of having, or it *has* that consent from a broad spectrum of classes and so its authoritarianism is pathological in some way that approximates what we may rightly call “fascism”.

Let us ask why fascism is so puzzling to us. I think that is so because we cannot explain it in the usual way as being a product of capitalist tendencies. The crisis generated by and within capitalism may be one of the *prompting* conditions for fascistic developments, as I said, but I don’t think the tendencies of capital are *sufficient* to explain them.

I’ve just read an important book



CH. VIJAYA BHASKAR

on imperialism by Utsa and Prabhat Patnaik which demonstrates how imperialism is at the heart of the tendencies of capitalism. But I think part of why fascism is more mysterious to us than imperialism is that the tendencies of capitalism do not suffice to explain it. You have to bring in a significant other or further factors to explain it.

That is a large background theoretical point. And in the foreground there are several specific observations we can make of the similarities between fascism and what we are witnessing in India today: above all there is the powerful paramilitary organisation of the RSS [Rashtriya Swayamsewak Sangh] shaping the ideological outlook of the government (no other right-wing nationalism in the world, so far as I know, has this, so we are the closest among them to fascism); then there is the menace of a vigilante youth group (the ABVP, or the Akhil Bharatiya Vidyarthi Parishad) mimicking the Balillas in Mussolini’s Italy, bullying students on campuses who raise deep questions about caste or about economic inequality or about Kashmir or...; then there is calling critics of the government “treasonous” and “anti-national”, another hallmark of fascism; then there is a worldwide trend but, especially in India, of finding of an external enemy within the country and subjugating it and despising it (Jews then, Muslims now); and finally there is the “fusion” of the interests of the corporations and the state which was Mussolini’s explicit definition of fascism and which is exemplified in the strident neoliberal

“Trump is a combination of a xenophobe, a racist, a misogynist, and, I suppose, as we have been witnessing in his pronouncements, something of an idiot.... The deeper issues, however, are not about how terrible Trump is, but about why he got elected in the first place.”

aspirations of the Indian government. And so on.

‘COMPETING POWER ELITES’

You pointed out the vacuum of social or political movements. Is not the groundswell of support for Bernie Sanders in the U.S. a positive sign? He was seen as a person around whom a progressive movement was coalescing, as opposed to Hillary Clinton, who was seen as an establishment figure.

[Hillary] Clinton is about as establishment a figure as you can find in the United States. That was part of what gave Trump his election victory. Unlike India, America has a two-party system, and there is, by and large, consensus between them on the fundamentals. They are, as C. Wright Mills put it, “competing power elites”. While they compete with each other, overall there’s agreement on the fundamentals. So it is very hard for anybody to break in. Sanders went as far as anybody has gone from within one of the two parties, but predictably the Democratic Party pulled the plug on him. Throughout the primaries the party worked against him in subtle ways, and then more openly, when he began to get a lot of support. They wanted Hillary Clinton to get the nomination. So did Wall Street. So did all of the liberal media. It is, among others, working people who saw some promise in Sanders, who did not trust Hillary Clinton and the party orthodoxy. Why? Well, they produced the financial crisis of 2008 and in response to

the crisis they saved the bankers who were responsible for it, not the working people, who were hurt by it.

Days after Obama was elected in 2008, he appointed people like Larry Summers and Timothy Geithner to his economic team, figures associated with the creation of the crisis. During his campaign, he had a wide circle of economists advising him, which included Joseph Stiglitz and Robert Reich. But immediately after he got elected, he zipped himself up in a Clinton suit and froze them out. Right from the beginning it became clear that Obama was going to be part of the political establishment. And Hillary Clinton was his anointed successor in the party. So, when working people feel that they have no options from either party, they turn to mavericks on each side (Sanders was a maverick from the point of view of the orthodoxy of his party, as Trump is for Republicans).

Spontaneous protests broke out across the country, for example, the protest right after the visa ban on seven Muslim countries, or the Women’s March in Washington. Is that not a healthy sign?

Some things are obvious. Trump is a combination of a xenophobe, a racist, a misogynist, and, I suppose, as we have been witnessing in his pronouncements, something of an idiot. So, of course, people are understandably shocked and dismayed and the protests are most heartening. The deeper issues, however, are not about how terrible Trump is, but about why he got elected in the first place. What does his election signify

about the electorate’s instincts and dissatisfactions? Everyone knows that his constituency is the working population. And I suppose that from the point of the view of the Left, it looks like a classic case of false consciousness—I mean to expect a Trump-led government to address these dissatisfactions. But, you should also remember that there was an even more classic form of false consciousness when the African-American population voted in far larger numbers for Hillary Clinton rather than Sanders. That was sheer identity politics dominating over material interests. Sanders would have done much more for working and workless blacks than Hillary Clinton. Don’t forget that Bill Clinton signed an infamous Bill that took away welfare provisions from the blacks. And Hillary Clinton subscribes to exactly the same economic ideology. It is true that the Clintons are not racist in the social sense, but from the material point of view, Sanders’ economic policies were much more in their interests. Sanders honourably refused to play identity politics and he paid the price for it. If African-Americans had voted in large numbers for Sanders, he would have won the primaries.

Here is my worry about the reaction to the Trump victory today. The hand-wringing and the hysteria about his election and post-election pronouncements, though perfectly understandable and justified—since he is monstrous on a whole range of issues—nevertheless may have the effect of giving the impression that there was some real intrinsic merit to

the political establishment that Hillary Clinton represents. That would be complacent. My own view is that it should go without saying that Hillary Clinton would have been better than Trump, but if it goes without saying, then don't say it. Because to keep saying it may give rise to the complacency that the political establishment in the U.S. has intrinsic merit. The far better form of resistance to the abomination of Trump's victory is to work to rejuvenate the Democratic Party and steer it away from the orthodoxies that Clinton represents. But, alas, that may well not happen, not only because that party's learning curve is flat, but also because there is this constant sneering about Sanders' populism by the orthodoxy.

POPULIST MOVEMENTS

Populism seems to be a phenomenon that is widespread around the globe in the last few years, and the kinds of populist movements we see are alarming, are they not?

Yes, some of the same questions arise about Brexit, for instance, though of course there the questions are about the working class' relation to the European Union. That is a good example to focus on to get clear about the issues that we face and also for why "populism" has come to mean something pejorative. What prompted the larger part of a voting population to opt for Brexit? Well, let's step back and ask a more fundamental question about Europe. Let's put ourselves in the shoes of a working (or workless) person in the Thames Estuary (or for that matter

in Madrid or Seville or Athens or Crete). Suppose such a person were to ponder the humane policies that some nations in Europe came to embrace since the Second World War, policies which provided safety nets (whether of health or education or housing) for people like him. He might ask: what was the site where these safety nets were administered and implemented? And he would answer: well, the site of the nation. He might scratch his head and wonder: Has there ever been a supranational site at which welfare was ever administered? What would a mechanism that dispensed it at a supranational site even so much as look like? Now, as Joseph Stiglitz says in his book on the European Union, there are two ways to respond to the present crisis that prompts the populist response in Europe—to withdraw from the union or to strengthen the ties with the union. But given these excellent questions that this working person in the Thames Estuary is asking, why would he acquiesce in the strengthening of the links with the European Union? Those questions reflect the good side of populism, the side of populism which is the opposition by ordinary people to the elites, in the case of Europe the banking elites.

Now, of course, such a person might go on beyond these shrewd questions to associate supranational affiliation with immigrant hordes that not only deprive him of economic opportunities but dilute the centuries-long national culture of which he is so proud. But there is no logical link between those excellent former questions and these latter trumped-up anxieties. One may rightly ask the questions without having these anx-

ieties. The linking of the two is quite confused and uncompulsory and it is the bad side of populism.

But the link is constantly being made. Why?

You are right, there has been a pervasive compulsion to make that uncompulsory link among the electorate that voted for Brexit (or for that matter Trump). But here we must resist the temptation to blame the people themselves. The assumption they make of such a link is not due to their feebleness of mind but to a wide variety of distortions not only by the media they read and watch but by the political class, and not just the extreme elements of that class but the political establishment. We cannot forget that the British Prime Minister's "Remain" campaign ratcheted up the immigration theme to prevent it from being owned by his more extreme Right opposition, just as Obama in his first campaign was far worse on immigration than John McCain, again with a view to gaining ownership of a Republican platform for electoral gains.

So the lesson is this. Even if we identify what we recoil from in populism as the uncompulsory linking of sound questions with unsound anxieties, this cannot simply be attributed to an *intrinsic incapacity* in the judgment of ordinary people but must be attributed to the failure of public education provided by the media and the political class. One cannot believe in democracy and dismiss the electorate as vile or stupid. For the electorate is shaped by what *knowledge* it possesses.

For twenty hundred years, philosophers have said that the central



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"When parties got together during the Emergency, they weren't looking at it as a permanent alliance. They got together to simply overthrow an authoritarian regime. And that's how we have to look at it now...."

ethical question is: What ought we to do? But in our own complex time, the more crucial prior question has become: What ought we to know?

LEFT INITIATIVE

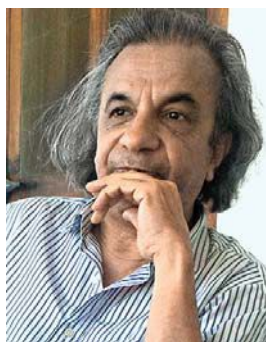
So how does the Left or any movement for that matter bring about this clarity and regain the good side of populism? Do you see that happening?

The difficulties for the Left to mobilise movements in the neoliberal period are well known. First of all, the old-style movements based on trade union activism is hardly possible because labour has been generally beaten down by neoliberal economic policies. Chronic unemployment, contractualisation and impermanence of employment have undermined the bargaining power of unions. And second, ever since the tremendous increase in the mobility of capital after the Bretton Woods institutions were refashioned, even if a working class movement throws up the possibility of progressive policies, those possibilities mostly can't really be implemented because of the fear of capital flight. Lula [da Silva], as a result of a working class movement, got elected on a very progressive platform in Brazil, if you recall, but was not really able to implement it out of fear of capital flight. I mean if they were to be implemented and there was capital flight (quite apart from the hardship caused by that to working people), movements would have to be waiting at the place to which capital flies.

So is there a need for a global initiative?

I don't think that form of international solidarity in the global labour force is a realistic possibility. I don't even know how to think about what it would take to forge such solidarities.

Even companies from India (like the Adani Group) are not looking at only the mining sites in Jharkhand or Odisha. They have cast their eyes on coal reserves in Australia because energy needs of India seem endless.



KUNAL SHANKAR

"I don't think international solidarity in the global labour force is a realistic possibility."

Yes, the capitalist political economy is global, there is financial globalisation, but the mind boggles at the idea of a serious possibility of *global* labour movements to oppose global capital. I think that is just fantasy, a fantasy expressed by some political theorists such as Hardt and Negri with such terms as "multitudes". I think what is more plausible is what is being suggested by Prabhat Patnaik recently—that countries of the South, suffering from the oppressiveness of neoliberal policies in our period of financial globalisation, would be better off delinking (at least partially) from the global economy and getting sovereignty over their own nation's political economy. Such ideas need to be explored in serious detail. They may require partial South-South relinking so as to protect some of the smaller economies of the South. These are all under-explored ideas worth thinking about.

You were talking about how the two-party system in the U.S. is a

hindrance to the emergence of an alternative. In India, regional parties are thriving. Also, do you think the Aam Aadmi Party (AAP), which is in power in Delhi and has made considerable inroads into Punjab, could be a real counter to the Bharatiya Janata Party?

Yes, but no one party can do it. The Congress can't do it; the AAP can't do it, nor the Left. It cannot be any one group. It will have to be the coming together of a secular, centre-Left opposition, including regional parties. Certainly, the Left can't do it on its own. And so the purist idea that the Left must not join forces with a whole range of secular parties is quite unrealistic. The idea that the Left can remain pure and hope to make a dent on this domination by the Hindu Right is just unfeasible. We are lucky that unlike in the U.S., we have a multiparty system, where multiparty alliances can be formed and, given the urgency of opposing the present government, such a wide spectrum of united front opposition is the only option.

But the counter by the Left has been that it has ceded ground to regional forces—say in Tamil Nadu or here in Andhra Pradesh or Telangana—to the extent that they have come to represent the political establishment and that the logic of pitting varying capitalist classes—mainly the regional elite against their national counterparts—does not apply any longer.

I agree that it can't be a permanent position. When parties got together during the Emergency, they weren't looking at it as a permanent alliance. They got together to simply overthrow an authoritarian regime. And that's how we have to look at it now, because that's what we have now—as I said earlier, a *pathologically* authoritarian extreme right-wing nationalist government that bears down like a thug on its own people and promises no prospects whatsoever to working people and minorities and oppressed castes and tribal people, and only *illusory* hopes to the middle class. □

New perspectives on Aurangzeb

Academics and history writers are looking afresh at the regnal years of the Mughal emperor Aurangzeb to **show him as being less tyrannical** than he was thought to be while he continues to live in popular memory as a bigot who destroyed temples and imposed the jizya on non-Muslims. **BY ZIYA US SALAM**

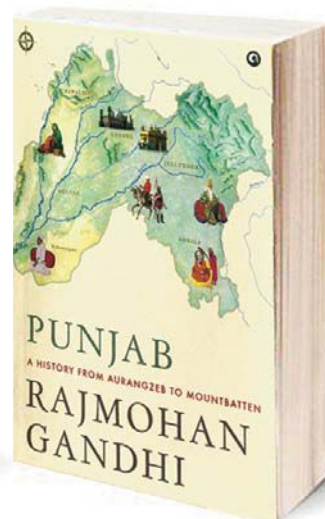
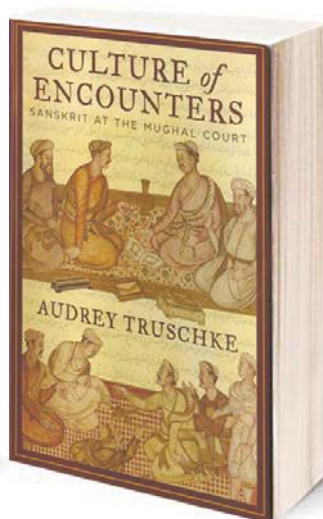
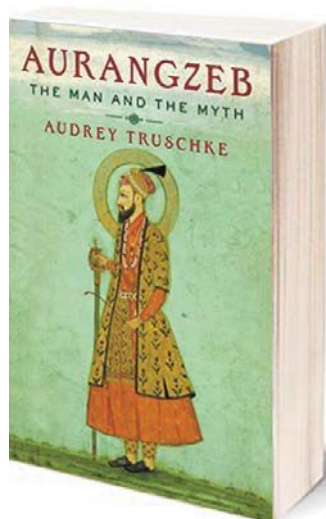
"I CAME as a stranger, and I leave as a stranger," wrote the sixth Mughal emperor Aurangzeb in a letter to one of his sons sometime before his death. On his deathbed, he had lamented: "My precious life has passed in vain." This coming from a man who ruled a vast empire, much larger in size and extent than any before and after him in Indian history and who had a huge treasury that included the famous Kohinoor diamond. Yet, all that he wanted was a peaceful death and to be buried in a

simple tomb in contrast to the grand Taj Mahal in which his mother, Mumtaz Mahal, and father, Shah Jahan, lay entombed.

As the noted historian Audrey Truschke argues in her latest book, *Aurangzeb: The Man and the Myth*: "Aurangzeb may have been content to be forgotten but the world is not ready to let him go. Aurangzeb lives as a vibrant figure in public memory in twenty-first century India and Pakistan."

In recent times, Aurangzeb has

been the focus of sociopolitical discourse and animated discussions in academic circles. Ranged on the one side are proponents of Hindutva who never tire of reminding Muslims about the destruction of thousands of Hindu and Jain temples on Aurangzeb's orders. On the other are serious academics and writers who are looking afresh at his regnal years, away from the prism of bigotry and intolerance. Today, Aurangzeb is regarded as an emperor with great accomplishments and obvious flaws.



Greys, rather than black and white, describe him better.

The attempt to show the “untold side” of Aurangzeb started in 2012 when the author-historian William Dalrymple sprang a surprise in his introduction to *Princes and Painters in Mughal Delhi, 1707-1857*, which he co-edited with Yuthika Sharma, by pointing out that Aurangzeb was “a pragmatic ruler who frequently patronised Hindu institutions”. Dalrymple told this correspondent that Aurangzeb deserved to be read anew, arguing that some of the measures introduced in his reign, such as the imposition of jizya (military tax on non-Muslims), should be looked at from the prism of exigencies of administration rather than religion. This view gained credence from the fact that no communal riots were reported during Aurangzeb’s time. Also, there were no mass conversions of Hindus by Aurangzeb’s warriors with a sword in one hand and the Quran in the other.

Although Dalrymple’s book was essentially about paintings and the arts, his essay showed that Aurangzeb’s rule was “less tyrannical than previously thought”. The book contained paintings from the early years of Aurangzeb’s reign in which he is shown holding talks with his courtiers, laying to rest all claims that he was opposed to the fine arts. The book also reminded one of a little known fact: Aurangzeb was a fine veena player. Suddenly, the conve-



A MINIATURE painting depicting Aurangzeb.

nient bigot of history was getting a new coat of paint.

In *Punjab: A History from Aurangzeb to Mountbatten* (2013), Rajmohan Gandhi brought out Aurangzeb’s political accomplishments and his gentle, human side. “Diligent in religious observance, Aurangzeb was a tenacious fighter as well. The empire under Aurangzeb’s long rule increased in area. New territories annexed included Little Tibet beyond Kashmir in the north, Chittagong beyond Dhaka in the east, and, in the south, the Muslim kingdoms of Golconda and Bijapur.” Rajmohan Gandhi also hailed Aurangzeb’s simplicity: “Of small stature, with a long nose, a round beard and an olive skin, Aurangzeb, usually wore plain white muslin” and “applied himself assiduously to business”.

Audrey Truschke, in *Culture of Encounters: Sanskrit at the Mughal Court*, reasons that the use of Sanskrit declined because of the flowering of Hindi during the reign of Aurangzeb. She says Alamgir (Aurangzeb’s regnal title) in his early years had read the Quran and the Hadith as also Rumi and Saadi and was exposed to Persian translations of the Ramayana and the Mahabharata. Aurangzeb, she says, even composed in Braj Bhasha.

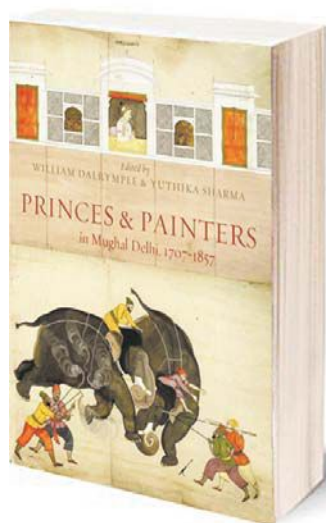
The publication of *Aurangzeb: The Man and the Myth* has triggered a wide-ranging debate in academic,

literary and social circles. On one hand, Aurangzeb Road in New Delhi has been renamed Dr APJ Abdul Kalam Road, and on the other, a road has been named after Dara Shikoh, the man he bested in the battle of succession after Shah Jahan’s reign in 1657.

Whichever way you look at it, Aurangzeb is very much a part of an ongoing debate. If in the 1980s and 1990s Muslims were derided as *Babur ki aulad* (Babur’s progeny), today a Shiv Sena leader calls Muslims *Aurangzeb ki aulad*. It seems Aurangzeb is the baggage from the past modern-day Muslims have to live with. “Well, one lesson we are constantly taught is that history is important because it shapes the present. In reality, it is the other way around: it is the demands and pressures arising out of the present which shape our image of the past especially at the popular level. Aurangzeb can be projected as more demonic than Babur, but anyone would do depending on whom you are addressing,” says Harbans Mukhia, an expert in medieval Indian history.

When it comes to Aurangzeb and indeed to Dara Shikoh, historians have been guilty of depicting convenient stereotypes. It has been argued that the war of succession between Aurangzeb and his brothers, including the widely popular Shikoh, was fought on the slogan of “Islam in danger”. Aurangzeb was not fighting for the throne but for purifying Islam from the heterodox views. Shikoh, on the other hand, was not only the chief of heretics; he had translated around 25 Upanishads, and argued that there was hardly any difference between the teachings of Islam and Hinduism and that Prophets had been sent to India as well. To Aurangzeb’s narrow-minded bigotry, he was an intellectual: a philosopher, a Sufi and a theoretician. Many have even wondered if India’s history would have been more inclusive had he won the battle for succession.

The reality though is different, although not always easily expressed beyond academic circles. Professor Syed Ali Nadeem Rezavi, a medieval India historian from Aligarh Muslim



‘They want to treat Aurangzeb as a political football’

Interview with **Audrey Truschke**, the author of “Aurangzeb: The Man and The Myth”. BY **ZIYA US SALAM**

AUDREY TRUSCHKE, an assistant professor of South Asian history at Rutgers University in New Jersey, has helped shape many a history student’s opinion one way or the other ever since her *Culture of Encounters: Sanskrit at the Mughal Court* was published in 2016. Her latest book, *Aurangzeb: The Man and the Myth*, has already started a fresh debate on one of the most hated figures of Indian history. Steering clear of the two sides, one that showers lavish praise on the Mughal emperor and the other that is highly critical of his reign, Audrey Truschke says Aurangzeb had some rare attributes that are often brushed aside in the zeal to paint him either in black or in white.

Excerpts from an interview she gave *Frontline*:

When it comes to Mughals, Aurangzeb in particular, are we guilty of looking at the past through the prism of contemporary society and politics?

We are all situated in the 21st century, and so it is normal, as a starting point, to view history through the categories and concerns of the present day. Where many people go wrong is in failing to recognise that this presentist stance can be problematic and cause one to gravely misunderstand the past.

In *Aurangzeb*, I seek to move beyond the restricting concerns of our day, especially Hindu-Muslim conflict, and recapture the world of the sixth Mughal king, which operated according to quite different norms and ideas. Some people, however, do not share my interest in honestly reconstructing Mughal



history. Instead, they want to treat Aurangzeb as a political football that can serve present-day interests, such as stirring up anti-Muslim sentiment in India.

Was Aurangzeb actually the Hindu-hating tyrant he is projected to be? In your book you portray him as an overseer of Hindu communities, one who found divinity in the art of Ellora temples. Yet the myth persists.

The historical Aurangzeb fails to live up (or down) to his modern reputation as a Hindu-despising Islamist fanatic. Aurangzeb took actions that strike most modern people as abhorrent, such as destroying and desecrating select Hindu and Jain temples and reviving the jizya tax on most non-Muslims. But, alongside such actions, the king also protected most Hindu and Jain temples and increased the Hindu share in the Mughal nobility. Any historical legitimate explanation of Aurangzeb’s state activities

must explain why he protected Hindu and Jain places of worship more frequently than he destroyed them. Communal hate does not get us very far in this project, and so I posit that other factors such as political reprisals and morality concerns were at play in Aurangzeb’s treatment of Hindu and Jain places of worship. Overall, Aurangzeb was far more driven by practical considerations of rule, the priorities of Mughal kingship, and a thirst for power, rather than hatred of Hindus.

Why is Aurangzeb’s use of Muslim clergy to suit his politics overlooked in historical accounts?

Aurangzeb’s relationship with the ulama has been noted by other historians. Perhaps, it filters into public awareness less because it’s not especially flashy.

In many ways, one feels Aurangzeb has been made into a villain to explain the hero’s status conferred on Akbar. It is like an early example of “the good Muslim and the bad Muslim”, something that is perpetuated to this day.

Aurangzeb is the opposite of Akbar in popular memory. Aurangzeb is also widely seen as the antithesis of Dara Shukoh, a binary recently embodied in modern Delhi with the erasure of Aurangzeb Road and the introduction of Dara Shukoh Road. Both Akbar and Dara Shukoh were more complicated than most people realise, a point that I raise in *Aurangzeb* (and also, concerning Akbar, in *Culture of Encounters*). But complicating the “good Muslim” rankles some people far less, it seems, than snatching away the cartoon bigot image of the “bad Muslim”. To my mind, ranking premodern kings according to their alleged piety and bigotry—categories that always seem to overlap in this worldview—is an impoverished way to think about the past.

Much before Aurangzeb stood accused of demolishing temples,

there were Hindu rulers who ordered similar demolitions. Yet they have not come under the scanner. Please comment.

Historians are aware that Hindu rulers desecrated and destroyed one another's temples before the advent of Indo-Islamic rule. But this idea disrupts the colonial-era narrative of Indian history, which is repeated to this day by many in India, that India had a golden age of Hindu rule that was disrupted by oppressive Muslim kings.

Many groups in India have invested a great deal in terms of modern politics and culture in this vision of India's past and so are uninterested in revising their views.

It is argued that Aurangzeb suffers because of our bigotry. Do you agree?

I think that we suffer from failing to even attempt to understand Aurangzeb as a complex king who had a profound impact on the political landscape of 17th and 18th century India. Too many people seem to think that the point of studying Aurangzeb is to figure out whether we like him or not. That view is mistaken. The major goal of historical inquiry is to grasp something about Aurangzeb's world and his role in shaping the Mughal empire during a crucial historical period. Such information helps us to make sense of the past and perhaps can even help us to make a better world going forward.

There is far more to say about Aurangzeb than what I have included in my short biography, and I look forward to more scholars joining the ongoing project of deepening our understanding of Aurangzeb Alamgir.



THE HINDU ARCHIVES

THE GRAVE of Aurangzeb at Kuldabad in Aurangabad district of Maharashtra.

University, says: "The facts are a wee bit different from this simplistic interpretation forwarded by a majority of historians, both Hindu and Muslim, Indian and Pakistani. To name a few: Shibli Nomani, Ishtiyak Husain Quraishi, Jadunath Sarkar and Ishwari Prasad also are proponents of this misconception."

Rezavi's contention is well founded. Empirical data point towards another direction: Aurangzeb, who was supposedly anti-Rajput, won the war of succession with the support he received from Hindus and Rajputs. Shikoh lost as he did not get the support of Rajputs. "This is brought to light by a letter written by Prince Akbar who rebelled against his father [Aurangzeb] and joined ranks with the Rathores, who had rebelled in 1679. [Prince] Akbar revolted in 1680, and when he and the Rathores lost to Aurangzeb he fled to the court of Sambhaji, the son and successor of [Chhatrapati] Shivaji. [Prince] Akbar, in a letter to his father in 1680, writes: 'Have you forgotten why Dara lost and you gained the throne? Dara lost the support of the Rajputs who rallied around you.'"

Interestingly, when the battle for succession was warming up, Aurangzeb started from Deccan towards Agra and sent letters to many nobles seeking their support, much like what contemporary politicians do

following elections. One such letter (*nishan*) was sent to Rana Raj Singh of Mewar. This letter survives in the famous *Vir Vinod* of Kaviraj Shyamaldas. "In this letter, Aurangzeb actually claims that kingship is nothing but a trust from God. The people are *khalqullah*, creation of God, as the king is Zillallah, the shadow of God. He should thus deal equally with them and not discriminate on basis of religion or sect. Kings are like pillars of God's court, and if he bends on one side, the justice of God would fail." That is not all. The man who is supposed to have put to death lakhs of Hindus, giving them the option of Islam or death, was no puritan. He was a lover of music and dance. The famous book on Indian music, *Rag Darpan*, was composed by Faqirullah who held a high *mansab* (administrative position) in Aurangzeb's kingdom.

Shikoh, contrary to the image projected beyond academic circles, was no commander: he never had any practical experience as an administrator or as a general. "He had antagonised nobles such as Mirza Raja Jai Singh, whom he called *Dakani bandar*" (Deccani monkey). Contrary to popular perception, Mirza Raja Jai Singh, Jaswant Singh, Raghu Ram, Rana Raj Singh, and Rao Dalpat Bundela sided with and helped Aurangzeb directly or indi-

rectly. Dalpat Bundela pointed out the ferry in which Aurangzeb crossed the Chambal river and emerged victorious at the Battle of Samugarh.

“Had he been what most historians paint him out to be, the majority of Rajputs would not have sided with him,” says Rezavi. Incidentally, for all of Aurangzeb’s bigotry, there were 31 per cent Rajputs in his administration, much better than around 22 per cent during Akbar’s reign.

Yet, Aurangzeb’s name is hurled at Muslims today, with some Hindutva proponents even demanding their apology for his alleged actions. Aurangzeb is the baggage from the past that Muslims have to live with. Rezavi says: “Unfortunately, over the past decade or so, with rising poverty, economic decline and paucity of resources, the communal relations between various communities have worsened. And as is the wont, the minorities have been held responsible for all the ills. If during the colonial era, Mahmud of Ghazni was held responsible, from the 1980s, Babur started emerging as the villain. After the demolition of Babri Masjid in 1992, when the matter could not be flogged any further, Hindutva forces started concentrating on Aurangzeb. True, Aurangzeb did mix religion with politics, discriminated against certain sections, imposed the jizya tax, yet he was more a practical king than a proselytising preacher.” What is often forgotten is that he imposed the jizya 21 years after assuming power and at a time when he needed finances for his constant wars. What is also brushed aside in this zeal to paint Aurangzeb black is the fact that he was just a monarch who waged wars to extend his territory or to consolidate his empire, just as Shivaji fought for his territory. Neither of them fought for the nation as the concept of nation did not exist then.

POLITICAL EXIGENCIES

The common man may have been fed convenient stereotypes, but academics have been more reasonable. Mukhia says: “There is always a distinction between professional history and what may perhaps be wrongly termed as popular history.

Professional history looks at historical events and historical figures in a complex web of intersecting personal-religious-political-factional-administrative, etc. Popular history looks at the ruler as the absolute maker of history during his reign and, in addition, looks at his religion as the primary motivation for his actions. James Mill and Elliot and Dowson had taught us to look at history in terms of the religious identity of the ruler, and while professional history has moved a long way off that sort of simplistic explanation, it still stays alive at the popular level. For the professional historian, Aurangzeb moved out of this demonic Islamic zealot frame long ago and was assessed as a ruler of a vast and complex empire where often contrary decisions were necessitated by immediate circumstances then as much as these are now. As far back as 1966, M. Athar Ali examined Aurangzeb’s reign in terms of political exigencies without ignoring his partiality for Islam in his book *Mughal Nobility Under Aurangzeb*. Audrey Truschke is taking the argument forward, though in much greater depth.” Where exactly can we place Aurangzeb in the annals of the Mughals?

Mukhia says: “This is exactly what I meant by contrary decisions. In fact, historians of his reign, even Hindu historians such as Bhimsen, did not look upon him as a dogmatic Muslim ruler; this image comes much later thanks to colonial historiography. But why go that far for locating contrary decisions? In our time, Rajiv Gandhi tried to manage the Hindu religious right by getting the gates of “Ram Janmabhoomi” opened even as he was trying to appease the Muslim right by passing the Shah Bano Bill in Parliament. And Narendra Modi, whose entire training is in the Rashtriya Swayamsewak Sangh ideology, still has to go to some Muslim events and lavish praises. That is how rulers seek to manage the affairs of a very complex society—sometimes they succeed; sometimes they do not. But to judge every ruler exclusively in terms of his religious dogma is to miss the point.”

Yet, the fact remains that after Akbar, Aurangzeb was the only Mughal who had a Hindu Diwan (Raja Raghu Raj). Highest *mansabs* were held by Rajputs. Governors of important provinces were Rajputs. Rezavi says: “If you look at Vrindavan documents, as Irfan Habib and Tarapad Mukherji have done, you will realise that there were more temple grants under Aurangzeb than under Akbar. Yes temples were broken but only in areas of recalcitrant nobles or areas of revolt. When Rani Hadi, the widow of Jaswant Singh Rathore, wrote to Aurangzeb during the Rathore rebellion of 1679 offering to demolish temples herself if he would bestow tika (formal recognition as ruler) on her, he refused! This information is contained in ‘Waqai Ajmer’.... Aurangzeb was just a shrewd politician. He did what suited him politically. When fighting Bijapur and Golconda, the Shia states in the Deccan, he was anti-Shia; afterwards he was not. Many Shia establishments date back to his period. He was not a bigot, but a shrewd manipulating king. He calculated each and every move of his for political dividends. He presided over the largest ever empire. And that was no mean achievement.”

Audrey Truschke writes: “From a divisive Hindu nationalist perspective, Babur and Aurangzeb are, to some degree, interchangeable as oppressive Muslim conquerors. It is not incidental that Aurangzeb is widely believed to have been the most pious of the Mughal kings. Aurangzeb thus typifies zealous Muslims overall—both past and present—who allegedly threaten Indian society by virtue of their religiosity. Many false ideas still mar the popular memory of Aurangzeb, including that he massacred millions of Hindus and destroyed thousands of temples. Neither of these commonly believed ‘facts’ is supported by historical evidence. Detractors trumpet that Aurangzeb destroyed certain temples without acknowledging that he also issued many orders protecting Hindu temples and granted stipends and land to Brahmins.”

The debate rages on. □



JAYATI GHOSH

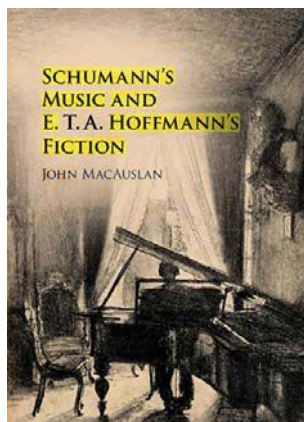
Music in the Romantic imagination

The music of the Romantic era was characterised by the unbridling of passion, the suppression of melody, an emphasis on spontaneity and a forgiving approach to asymmetry, but its most striking feature was its close and explicit **relationship with literary trends of the time.**

WHAT makes for a “Romantic” sensibility? Not in the literal sense of being inclined to “romance” but in the sense of the movement that subsequently became a tradition in 19th century literature and the arts in Europe, when this sensibility permeated much creative endeavour. Romanticism has generally been associated with an emphasis on emotion and a celebration of subjectivity in terms of the individual’s response to the world; a glorification of nature, as well as of the past; in many ways a cultural expression of the reaction to the standardisation and rule-bound socio-economic patterns created by the Industrial Revolution.

But, of course, the movement in Europe at the time was both more complex and more varied than that. What is remarkable is how despite differences in expression across the

literary, visual and performative arts a common inspiration was evident. In his book *The Romantic Generation* (Fontana Press 1999), the music scholar Charles Rosen identified the



THE BOOK deals with the quintessential Romantic composer Robert Schumann.

“fragment” as the fundamental Romantic musical form: “at once complete and torn away from a larger whole” or “imperfect and yet complete”, with a form that is not fixed but is “torn apart or exploded by paradox, by ambiguity, just as the opening song of ‘Dichterliebe’ (The poet’s love) is a closed, circular form in which beginning and end are unstable—implying a past before the song begins and a future after its final chord” (page 51).

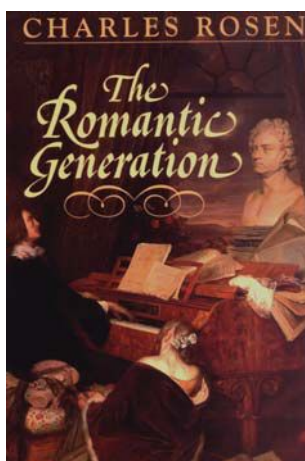
Rosen noted that this approach had a distinguished literary presence in German literature long before it was raised to a musical art form in the work of the Romantic composers, for example, in the work of the poet Friedrich Schlegel, who offered this description: “A fragment should be like a little work of art, complete in itself and separated from the rest of the universe like a hedgehog.”

Yet seeing romanticism only in terms of fragments is unduly restrictive and hardly captures so many other features that characterise Romantic music: the unbridling of passion that had already found expression in late Beethoven; the reliance on absence, or the suppression of melody, as an aural device; an emphasis on spontaneity so that the music emerges almost as a happy accident rather than the result of some formal progression; a forgiving approach to asymmetry, to the point that it can sometimes come close to controlled chaos.

One of the most striking features of Romantic music is how closely and explicitly it related to literary trends of the time. John MacAuslan's *Schumann's Music and E.T.A. Hoffmann's Fiction* (Cambridge University Press, 2016) brings this out clearly and with new insight. Fittingly, the book deals with the quintessential Romantic composer Robert Schumann, whose life and music are both almost stereotypical of the popular notion of the Romantic, with his emotional and psychological excesses, his passionate championing of the Romantic cause, and his music that in many ways captures the essence of the Romantic imagination. MacAuslan relates some of this music to the work of E.T.A. Hoffmann, a writer almost equally emblematic of the Romantic spirit and one who was hugely influential in his time, even though his works have not had the literary longevity of Schumann in music.

SCHUMANN'S FOUR FRAGMENTS

The focus is on four of Schumann's more well-known piano works, each a set of "fragments" combined to make whole sets that are now recognised as gems of the repertoire: "Carnaval", "Fantasiestücke", "Kreisleriana" and "Nachtstücke". Each of these is related to particular works by Hoffmann but also to a more general literary association, because, as MacAuslan recognises: "Musical threads, interpreted as expressive, can also suggest juxtapositions with ideas and images from



IN THE BOOK, Charles Rosen identifies the "fragment" as the fundamental Romantic musical form.



ROBERT SCHUMANN, in an 1850 daguerreotype. His music in many ways captures the essence of the Romantic imagination.



E.T.A. HOFFMANN. The writer is emblematic of the Romantic spirit and was hugely influential in his time.

books, or from a culture more widely" (page 177). In the process, some other piano works of Schumann are also referred to (such as the early "Papillons" and the more mature "Davidsbundlertanz") both to provide additional insights on the basic question and to reflect on Schumann's musical development.

MacAuslan's approach to finding the interconnections is at once detailed and synoptic, finding specific inspirations and explicit relationships as well as deeper underlying emotional themes that resonate across the differing forms of literary and musical expression.

"Carnaval", for instance, is not only an idiosyncratic and highly personal description of the dizzying variety and exuberance of a carnival but takes inspiration from Hoffmann's novella *Princess Brambilla*: "promenades, dances and theatre; the *commedia dell'arte*; suspended social norms, cross-dressing ('alluring hermaphroditic shapes') and flirting; and a cast including masked lovers, magicians, a strutting Capitano, and German artists" (pages 35-36).

Just as *Brambilla* "contains elements of lyrical love story, fairy tales, comedy, parody, aesthetic treatise and philosophical spoof" (page 38) so too is "Carnaval" an exhilarating medley of different forms and styles. On these shifting narratives are superimposed Schumann's own presentations of himself (in his alter egos Florestan and Eusebius), his friends (Chopin) and his love interests at the time (Ernestine von Fricken as Estrella, and Chiarina representing the young Clara Wieck, who eventually became his wife).

Schumann's "Fantasiestücke" (dream images) is another work of strong contrasts, but its very title echoes the title of the work that made Hoffmann famous: *Fantasiestücke in Callots Manier*. MacAuslan focusses on one particular part of the book, "The Golden Pot". This is a bildungsroman, or story of artistic development, of the young poet Anselm, which he argues "features images evoked by Schumann's pieces: like his music, it embraces melodra-

JOHANN ANTON VÖLLNER, HAMBURG

NATIONAL GALLERY OF THE BERLIN STATE MUSEUMS

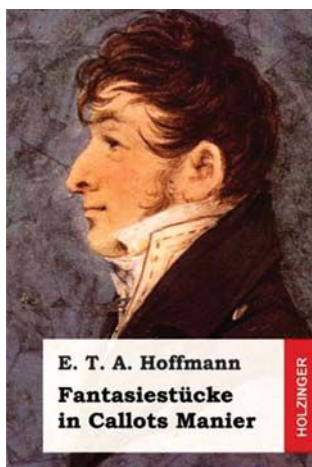
ma, comedy, irony and elegy, confounds dreaming and waking, and is filled with contrasting sonorities, especially of crystal and metal" (page 93).

Some very insightful passages with examples detail how this occurs musically. For example, in "Aufschwung" (taking wing or soaring), the metaphor for artistic maturity and rapture is expressed magisterially—but also with some humour, some clumsiness, and some lack of resolution. "In der Nacht" (In the night) and "Fabel" (fable) teem with other allusions that reflect the emotional turmoil in Schumann's own life when Clara's father, his former teacher, was opposing their relationship: the tragic story of Hero and Leander, along with another story from Hoffmann about lovers undergoing ordeals—and just as in Hoffmann's story, the music too conflates dreaming and waking.

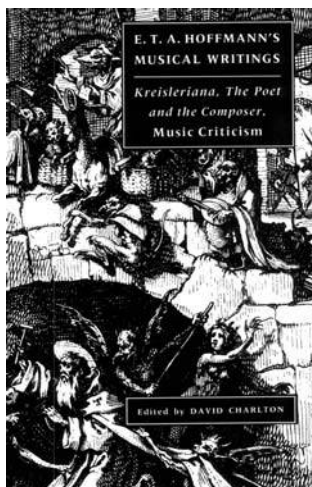
MacAuslan is careful to note that Schumann's music is not programmatic in any strict sense and does not follow a particular narrative schema. This is even more so for the later works, as his work became more expansive and more complex. Thus, the set of pieces "Kreisleriana" bears the same title as the collection by Hoffmann of stories, essays, fictional letters, aesthetics and musical criticism.

The emphasis on the gulf between the giants of musical history (Bach, Mozart, Beethoven) and the "philistines" was certainly at one with Schumann's own conception—both in his own musical criticism and in his compositions he had weighed in against the philistines who prevented true artists from advancing to realise their full musical potential.

But given Schumann's own trysts with mental illness, the fictional Johannes Kreisler's emotional and psychological complexity as reflected in the work, and his final disappearance, must also have struck many chords. And these are expressed in all sorts of ways in these pieces: in the shifting tonalities, the use of particular melodic patterns with messages in the very choice of notes (a favour-



THE TITLE of Schumann's "Fantasiestücke" echoes the title of the work that made Hoffmann famous.



SCHUMANN'S "Kreisleriana" bears the same title as Hoffmann's collection of stories, essays, fictional letters, aesthetics and musical criticism.



HOFFMANN'S portrait of his fictional character Kreisler.

rite device of Schumann); the contrasts between turbulence and almost mystical introspection; the varying reliance on musical aesthetics from completely different traditions.

'NACHTSTÜCKE'

Finally, "Nachtstücke" (night pieces) were not the same as nocturnes in the connotation of gentle and pensive romance but much darker in their inspiration. Hoffmann had used the title for a collection of stories that explored the perils of self-destructive psychoses. The immediate concern about his brother's impending death may have influenced Schumann while he was creating these pieces, but surely his own more prolonged struggles with the devils of the mind, which were only just beginning at this point, would also have found some expression in this music. MacAuslan beautifully juxtaposes various images from Hoffmann's work with the ambivalence, inconsistency and sometimes downright weirdness of the music, with the theme of the death march bringing out "an uncanny mutual dependence of human and mechanical, living and dead".

INSIGHTS INTO THE MUSIC

These interpretations of Schumann's well-known piano pieces bring out all sorts of aspects and intricacies that demand more careful listening and also provide extremely nuanced insights into the music. MacAuslan is quick to admit that ultimately music "is a medium of its own and so in a sense forever inaccessible to verbal description: in that sense it is stubbornly transcendent" (page 237). Yet, analyses like these enrich us immensely by providing some understanding not only of the music itself but its literary influences and the cultural context in which it came into being and the multiple interlinkages between them; and so can still change the way we listen and indeed how we read the work of the Romantics. The Romantic imagination, in all its expansive, creatively contradictory glory, has found another champion in MacAuslan. □

Studying thunderstorms from space

WHEN a thunderstorm strikes, one sees a spectacle of bright white flashes accompanied by loud cracks. From laboratories on the earth, it is difficult to see past the dense clouds to the sky above the storm. What kind of lightning flashes occur in the higher levels of the earth's atmosphere is an area of research that is poorly studied. For an elevated view, scientists have traditionally launched expensive equipment into space or flown specialised aircraft to altitudes of 18,000 metres, almost twice the height that commercial planes fly at. Torsten Neubert, a physicist at the Technical University of Denmark (DTU), had a different idea: ask astronauts aboard the International Space Station (ISS) to photograph a storm from high up.



ESA/NASA/IRISS/DTU

THE PHOTOGRAPH of the September 8, 2015, thunderstorm over eastern India that Andreas Mogensen took from the ISS.

A team of Danish scientists teamed up with the Danish astronaut Andreas Mogensen and photographed storms raging over California, eastern India, Thailand and Costa Rica from his position on the ISS. The images were part of a pilot test of the proposal, named Thor after the Nordic god of thunder.

But imaging thunderstorms from space is not simple. Mogensen needed to know precisely when to be in position so that he could capture the storm as the ISS flew over it. According to

Olivier Chanrion—also from the DTU, who presented the findings at the December 2016 meeting of the American Geophysical Union in San Francisco—while Mogensen was in orbit his team transmitted thunderstorm forecasts to the ISS. Once the scientists knew where and when to expect a storm, they used software to determine when it would be visible to the astronaut. They predicted four storms that Mogensen would be able to observe during his 10-day mission in September 2015, and the astronaut successfully captured them all. The images revealed that thunderstorms contained far more lightning flashes than expected. According to Chanrion, the eastern Indian storm captured on the evening of September 8 was the most spectacular. In Mogensen's three-minute-long video (for a short clip, see www.youtube.com/watch?v=dY5F_gEexAY), storm clouds are constantly lit up by flashes. Pulsating blue "jets" of lightning travel upwards from the cloud's top, shooting to altitudes of 40 km, well past where the clouds end. A "sprite"—a flare tens of kilometres in size that originates high above the thunderstorm—explodes in the night sky. And all the while the cloud's upper surfaces are awash with smaller flashes from blue discharges that flitter every 30 seconds.

"The observations are the first of their kind," said Neubert. He hopes Thor's success will open the door to further imaging of thunderstorms by astronauts during the European Space Agency's Atmospheric-Space Interactions Monitor project. The two-year experiment, which begins in 2017, will survey the X-ray and gamma ray emissions of thunderstorms from the ISS. Such data will enable scientists to understand better the origin of high-energy X-ray and gamma ray flashes, and the impact of the flashes on the upper levels of the atmosphere. "We don't know why the blue discharges are so numerous," Chanrion said. He and his colleagues hope to find out.

Vidarbha shows the way to check suicides

A GRASS-ROOTS mental health programme in rural Vidarbha called VISHRAM (the Vidarbha Stress and Health ProGRAM) has enabled a dramatic reduction in the treatment gap for depression in that region, according to a study by the Public Health Foundation of India (PHFI). The study was published in *Lancet Psychiatry*.

VISHRAM was designed to address the mental health risk factors for suicide (i.e., depression and alcohol use disorders) in a predominantly rural population of 1,00,555 people in 30 villages in the Amravati district of Vidarbha region, the epicentre of farmer suicides. According to a 2015 study VISHRAM conducted, 5.2 per cent of the people interviewed had thought of taking their life in the previous 12 months. Of these, nearly half (45.3 per cent) also had depression. The PHFI study is an evaluation of the VISHRAM programme, which was implemented over 18 months by two non-governmental organisation (Prakriti, with technical support from Sangath). Surveys were done at the start and the end of the programme. The evaluation at the end found that (a) the prevalence of depression fell from 14.6 per cent to 11.3 per cent; (b) the proportion of people with depression who sought care rose from 4.3 per cent to 27.2 per cent; (c) treatment access was equitably increased across caste, gender and social class; (d) the prevalence of suicidal thoughts in the previous 12 months fell from 5.2 per cent to 2.5 per cent; and (e) a range of mental health literacy indicators showed significant improvement.

As a part of VISHRAM, existing front-line workers such as accredited

ited social health activists (ASHAs) worked at the community level to raise mental health literacy and provide psychological first aid and lay counsellors provided psychological treatment in the community and at primary health centres. Psychiatrists from the government's District Mental Health Programme and the private sector provided medication for serious mental disorders at the primary health centres and the rural hospital. VISHRAM underlines the importance of care for depression and the concomitant reduction in suicidal behaviour.

GLOBAL BURDEN

According to the PHFI, one-third of the global burden of mental illness falls on India and China, more than all high-income countries combined. Yet, in both countries less than 1 per cent of the national health care budget is allocated to mental health care. The recent National Mental Health Survey in India shows that about 90 per cent of people with depression had not received any care in the previous 12 months; VISHRAM shows how this treatment gap can be reduced.

VISHRAM is led by the psychiatrist Prof. Vikram Patel. "VISHRAM offers a model for the scaling up of community mental health care in India through a partnership between communities and front-line workers, lay counsellors and mental health practitioners from the private and government sectors. In particular, it offers a template for reducing suicides in Vidarbha," he said. "It is now critically important to translate this knowledge into real-world practice by scaling up VISHRAM intervention through the National Mental Health Programme across the country," observed Rahul Shidhaye, associate professor at the PHFI and the lead author of the PHFI study.

Expert opinion for cancer patients



V. GANESAN

IN a move to standardise cancer care nationally, the Tata Trusts and the Tata Memorial Centre (TMC), a grant-in-aid institution under the Department of Atomic Energy, have joined hands to bring together experts from the National Cancer Grid (NCG) and widen the Navya expert opinion service for cancer. Navya is a clinical informatics and patient services organisation with a unique understanding of cancer patients and oncologists and a core commitment to cancer care in India. The service helps cancer patients get an expert opinion and treatment options from the world's leading experts, irrespective of their geographical location or understanding of medical information.

Navya is the first to develop technology systems specific to Indian cancer data for use by cancer patients and oncologists in India. "Enabling the convergence between the Navya system and TMC and NCG, experts can now maximise patient outcomes: increase lifespan or number of cancer-free years, improve quality of life, etc., no matter the stage and type of cancer," said H.S.D Srinivas, who leads the health portfolio at the Tata Trusts.

The TMC, Asia's largest tertiary care cancer centre, convenes the NCG, a consortium of 89 cancer hospitals in India with the mandate to standardise cancer care nationally. Leveraging the Navya decision system and team of committed patient advocates, experts

from the TMC and the NCG volunteer their expert opinion to empower cancer patients and oncologists from remote cancer centres in Bihar to large hospitals in Delhi, from Bangladesh to Mozambique, from below poverty line card holders to affluent patients.

According to a TMC press release, it is estimated that there are around 1,500 oncologists in India serving an affected population of approximately 24 lakh, that is, one oncologist for every 1,600 cancer patients. There are even fewer expert oncologists. This puts pressure on the system, and many of those afflicted are unable to obtain timely access to an expert oncologist's opinion. Travelling to consult an expert at each of the many treatment decision points is costly, logistically complex, and delays the start of treatment. "The TMC and Navya have collaborated since 2011 to develop an expert decision system that uses clinical informatics, predictive analytics and machine learning to recommend evidence and experience-based expert treatment decisions, similar to decisions made by expert tumour boards," said Rajendra A. Badwe, director of the TMC. Oncologists at non-expert centres can consult experts online in a simulated tumour board that results in expert treatment decisions for patients everywhere," said C.S. Pramesh, coordinator of the NCG.

Stories compiled by R. Ramachandran



Brand Ambassador may yet survive

THE iconic Ambassador car got a fresh lease of life after the French carmaker Peugeot of the Groupe PSA bought the Ambassador brand from Hindustan Motors of the C.K. Birla Group. The Ambassador, which ruled the roads of India, and particularly Kolkata, for more than 50 years, looked like it had reached the end of its long and illustrious journey when Hindustan Motors suspended production at its factory at Uttarpara in Hooghly district in May 2014.

The deal with Peugeot, worth

Rs.80 crore, was signed on February 10. "We sold the Ambassador brand to Peugeot, as Peugeot felt that it can utilise the brand better, particularly in the marketing area of its operations. It is good that the iconic brand is coming back to life," Uttam Bose, director, Hindustan Motors, and former managing director of the company, told Frontline. According to Bose, the Rs.80 crore that Hindustan Motors received in the deal would be spent entirely on clearing the liabilities of the company. "If we do not have the bandwidth to revive (the

Ambassador brand), is it not better to keep the brand alive this way?

This was an alternative which I think presented a win-win situation," said Bose. Industry experts feel that the acquisition may prove to be a masterstroke for Peugeot, which has been trying to make its presence felt in the Indian market; for, the Ambassador still retains a nostalgic value for most Indians. For more than 50 years, it was the car that Indians travelled in—from VIPs to the common man. According to Bimal Guha, general secretary of the Bengal Taxi Association, even today there are 23,000 Ambassador taxis plying in Kolkata alone; as late as 2008, the number of these taxis stood at around 35,000 in the city.

Modelled on the British Morris Oxford Series, the Ambassador was introduced in India in 1958 and soon became the most ubiquitous presence in urban India. However, its failure to change with the times finally led to its gradual downward spiral from the mid 1990s. By 2009, production of the car dipped to 5,500 from around 24,000 a year in the mid 1980s.

In February 2014, Hindustan Motors was referred to the Board for Industrial and Financial Reconstruction (BIFR), and three months later the company suspended its production at its main factory in Uttarpara. The factory, set up in 1942, was one of the oldest automobile plants in Asia. By that time the workforce had dwindled to 2,600 from 22,000 (during the heyday of the company), and the accumulated liability of the plant stood at Rs.94 crore.

However, it may not be the end of the road for Hindustan Motors either, said Uttam Bose: "We are also looking at the situation with some of our partners and trying to see if there can be some good news as far as resuming manufacturing is concerned."

Suhrid Sankar Chattopadhyay



ASHOKE CHAKRABARTY

THE AMBASSADOR TAXI STAND at Howrah station, Kolkata. The car still retains a nostalgic value for most Indians.



Keezhadi dig to continue

ON February 20, the Archaeological Survey of India (ASI) granted permission in writing to its Superintending Archaeologist, K. Amarnath Ramakrishna, of the Excavation Branch-VI in Bengaluru to continue the excavation at Keezhadi, about 13 kilometres from Madurai in Tamil Nadu, where previous excavations yielded artefacts and other evidence that point to it being a Tamil Sangam age site. The letter was from Jitendra Nath, Director (Exploration and Excavation), ASI, New Delhi, conveying the permission of Rakesh Tewari, ASI Director-General, for the third season of excavation up to September 30. Ramakrishna is confident of resuming the excavation by March 15 after signing an agreement with the landowners to dig quadrants on their land.

In November 2016, the ASI top brass told Ramakrishna that the licence for the third season was conditional on receiving a report from him on the excavation so far. Tewari told Frontline on November 25, 2016, "The licence for the third year will be given after the completion of the documentation of the excavation and the artefacts [found at Keezhadi] during the first two years. Otherwise, the report never comes" ['More excavation only after report', Frontline, January 20, 2017].

When this reporter contacted Tewari on January 8, the ASI Director-General said Ramakrishna had submitted only "brief" and "sketchy" reports about the first two years. Permission would be given to him after he wrote "a detailed report", the Director-General said. Ramakrishna later said he had submitted a detailed interim report on February 9 to the Director-General on the excavation.

Two seasons of excavation in 2015 and 2016 revealed massive brick structures, ring wells, drainage systems and furnaces dating to the second century BCE of the Tamil Sangam age. The excavation yielded 5,600 artefacts such as potsherds with Tamil Brahmi script, ivory earlobes, ivory dice, bi-conical gold beads, rouletted ware, russet-coated ware, white-coated black ware, beads made of semi-precious stones, big copper beads and terracotta figurines. In the lower depths were found iron implements such as axes, daggers, knives, forceps and black and red ware of the Iron Age.

Ramakrishna was sure that Keezhadi was "definitely a Tamil Sangam site" which was an "urban centre" and "a habitation site." He added, "The discovery of iron implements proved at once that Keezhadi was an Iron Age

settlement which evolved and continued into the Historic period. So this site is definitely a crucial site for Tamil Nadu to determine its cultural sequence."

In September 2016, a controversy erupted over the decision to take the artefacts for further study to Bengaluru where the Excavation Branch-VI is situated. Kanimozhi Mathi, an advocate, filed a public interest petition in the Madurai Bench of the Madras High Court against the move and also pleaded that the trenches should not be closed. On November 24, 2016, Justices S.

Nagamuthu and M.V. Muralidaran of the Madurai Bench permitted ASI to shift the artefacts to its chemistry branch headquarters in Dehradun or any other laboratory in the country. The judges allowed ASI to close the trenches because the land had to be returned to its owners.

Archaeologists, academics, students and others were chagrined when Frontline reported that Ramakrishna would not receive permission for the third season until he wrote a detailed report on the first two seasons. The ASI top brass was also worried because the issue had become sub judice. Leaders of political parties took up the issue with Union Minister of State for Tourism and Culture

Mahesh Sharma. Informed sources said Sharma played an important role in the grant of permission. However, the letter from Jitendra Nath said: "The annual interim report of the work done comprising relevant section drawings, stratigraphy, and important findings, with illustrations should be submitted immediately after the completion of the work to this office...." All antiquities unearthed at the site should be documented in the National Mission on Monuments and Antiquities (NMA) 3D format, available at the website of NMA, the letter said.

It insisted that the "excavation report after the conclusion of the excavation, as per the Wheeler Committee report, 1965, comprising the facts of the excavation, the plan of the site, its stratigraphy, the relationship of buildings and objects to the culture or cultures, a brief definition of these cultures in the light of the present knowledge and a precise account of the work done should also be submitted within six months...."

Meanwhile, the Accelerated Mass Spectrometry (AMS) dating of two excavated charcoal samples from Keezhadi sent to Beta Analytic, Miami, Florida, USA, revealed that they belonged to circa 200 BCE. "This is a perfect date which corresponds with the Tamil Sangam age," Ramakrishna said.

T.S. Subramanian



AN AERIAL VIEW of the excavation.

BY SPECIAL ARRANGEMENT

Matters of business

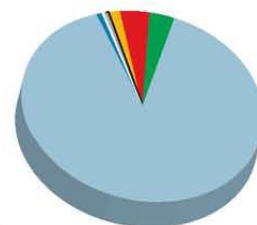
The sixth economic census highlights the significant growth in business establishments all over the country and the urban-rural divide in employment generation.

By **RAMESH CHAKRAPANI**

The sixth economic census, conducted by the Ministry of Statistics and Programme Implementation between January 2013 and April 2014 and released in 2016, provides insights into the changes in the number of establishments in the country, their composition and ownership data since 2005, when the previous such census was conducted.

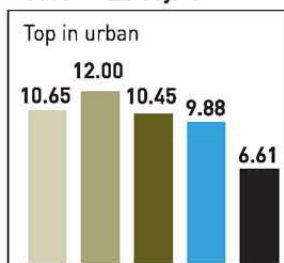
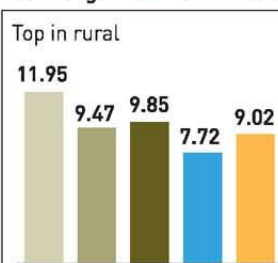
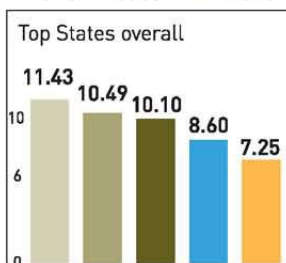
According to the census, the total number of establishments in India rose 41.79 per cent from the previous census to 58.5 million, of which 34.8 million were in rural areas. A total of 131.29 million persons were employed by all the establishments, 77.6 per cent of which were engaged in non-agricultural activities. Uttar Pradesh led in the total number

Ownership data



Distribution of business establishments by States (in per cent)

Uttar Pradesh Maharashtra West Bengal Tamil Nadu Andhra Pradesh Gujarat

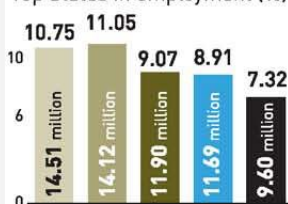


Employment data

OVERALL

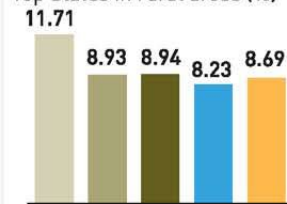
TOTAL NUMBER OF PERSONS EMPLOYED
131.29 million

Top States in employment (%)



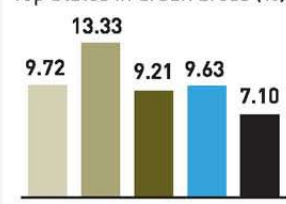
RURAL
67.89 million
(51.71%)

Top States in rural areas (%)



URBAN
63.40 million
(48.29%)

Top States in urban areas (%)



HIGHLIGHTS OF 6TH ECONOMIC CENSUS

58.5 million establishments in operation

34.8 million in rural areas

131.29 million persons employed by all establishments

77.6% of all establishments engaged in non-agricultural activities

Total number of establishments up

41.79% from previous census

41.97 million were "own account" establishments

Majority of the establishments

93.0% perennial in nature

U.P., Maharashtra, West Bengal, Tamil Nadu and Andhra Pradesh accounted for

50% of all establishments

Maharashtra, U.P., West Bengal, Tamil Nadu and Gujarat accounted for half of total employment

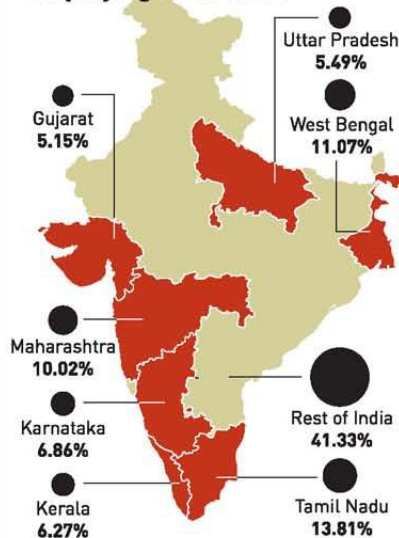
Highest growth rate of employment seen in Manipur

93.57%, followed by Assam

89.32% and U.P.

79.94%

Top States with establishments employing 10 or more



of establishments, followed by Maharashtra, West Bengal, Tamil Nadu and Andhra Pradesh, and these five States accounted for 50 per cent of all establishments in the country.

Four of these States, excluding Andhra Pradesh, and Gujarat together accounted for half of the total employment generated by all the establishments.

The highest growth rate of employment was seen in Manipur (93.57 per cent), followed by Assam (89.32 per cent) and Uttar Pradesh (79.94 per cent).

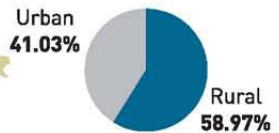
Employment generated was nearly evenly distributed between rural (51.71 per cent) and urban areas (48.29 per cent) despite rural areas having 40 per cent more establishments.

Maharashtra topped in jobs overall, having employed 14.51 million persons (11.05 per cent), and also in urban employment (13.33 per cent). Uttar Pradesh led in creating rural employment (11.71 per cent).

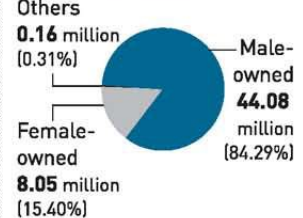
Among private proprietorships, which accounted for 89.39 per cent of all establishments, men owned 84.29 per cent and women 15.40 per cent.

Private proprietorship demographics

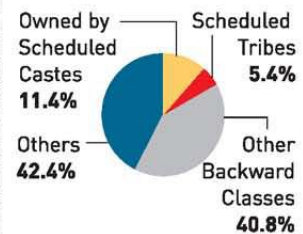
BY LOCATION



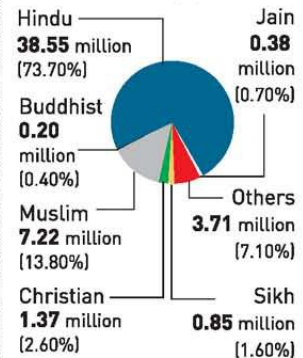
BY GENDER



BY CASTE



BY RELIGION



A caste-wise breakdown of the proprietorships showed that members of the Scheduled Castes accounted for 11.4 per cent, the Scheduled Tribes 5.4 per cent and Other Backward Classes 40.8 per cent. Some 73.70 per cent of all the proprietorships were Hindu, while Muslims accounted for 13.80 per cent and Christians 2.60 per cent. Members of other religions accounted for 9.8 per cent.

ECONOMIC PERSPECTIVES



C.P. CHANDRASEKHAR

Wicked loans & bad banks

A trail of defaults is ensuring that the **high NPA ratio of banks is not stabilising as the RBI expected** it would once assets misclassified as restructured and standard are recognised as non-performing.

THE crisis created by non-performing assets (NPAs) on the balance sheets of commercial banks, especially those in the public sector, does not go away. It only intensifies. An environment that triggered large inflows of foreign capital and a surge in credit after 2003 encouraged banks to explore new areas and terms of lending, which are responsible for the large exposures that are now turning bad. Having encouraged that environment with its policies, the government pretended that the problem was not serious enough to warrant emergency action. The reason was that it wanted to do the impossible: resolve a big problem with little money. But now time seems to be running out.

Data for all banks (public and private) relating to December 2016, compiled by Care Ratings (reported in *The Indian Express*, February 20) point to a 59.3 per cent increase in NPAs over the previous 12 months to Rs.6,97,409 crore. That amounts to 9.3 per cent of their advances, compared with an NPA to advances ratio of 3.5 per cent at the end of 2012. The annual increment in the NPA ratio, which stood at around one-half of a

percentage point in the years ending December 2013 and December 2014, rose rather sharply to 1.6 percentage points and 3.3 percentage points respectively in the years ending December 2015 and December 2016.

One reason for the acceleration in NPA growth is the more stringent conditions imposed in 2015 regarding recognition of assets as non-performing. Realising that postponing bad debt recognition could result in the accumulation of stressed assets in bank balance sheets sufficient to create a systemic problem, the Reserve Bank of India (RBI) instituted an asset quality review in 2015 to reclassify assets and reverse the practice of treating all restructured assets as standard assets.

Once stressed assets are formally recognised as non-performing, the requisite provisions are set aside at the expense of short-term profitability, the banks are recapitalised, and credit growth will see a revival, it was argued.

The problem is that this is not happening because a large number of projects to which money had been lent during the boom period that preceded 2011-12, when investment

rates rose sharply, were not ones to which the banking system should have been exposed. As these projects are all entering the period when they find themselves unable to service their debt, loans are turning non-performing in quick succession. This trail of defaults is ensuring that the NPA ratio is not stabilising, once assets misclassified as restructured and standard are recognised as non-performing, as the RBI expected it would. More assets are turning bad.

As the *Economic Survey 2016-17* recognised, in normal circumstances this would have threatened the banks concerned with insolvency, perhaps triggered a run on the banks, forced their closure and even precipitated a systemic crisis. India is fortunate that a large part of its banking system is owned by the government.

According to the Care Ratings figures referred to earlier, 24 PSBs accounted for 88.2 per cent of the total NPAs with the public and private banks.

Their NPA ratio stood at 11 per cent at the end of 2016, indicating that they have a disproportionate share of bad loans in total advances.

According to the *Survey*, since

there is the belief that these banks have the backing of the government, which will keep them afloat, the bad loan problem has not, as yet, become a systemic crisis.

DIFFICULT FOR BANKS

Unfortunately, matters are not all that simple. First, the situation in some of the PSBs is much worse than the average NPA figure suggests. Five of them have NPA ratios above 15 per cent. Second, constrained by its ideological adherence to “fiscal prudence” and stringent deficit targets, the government’s appetite for recapitalising these banks is waning. Spending on projects or welfare schemes appeals to voters, funnelling money into banks does not, especially when they seem not to have exercised due diligence. This leaves the option of getting the banks to make do with whatever money the government gives them, and supplementing that with recovery of some part of the loans that are non-performing.

Recovery is a possibility because the bad assets accumulated in the course of the lending boom after 2003 were concentrated in large loans to the corporate sector. As of March 2016, large borrowers (with liabilities of Rs.5 crore and above) accounted for 58 per cent of scheduled commercial bank advances and 86.4 per cent of gross NPAs. The top 100 borrowers accounted for 16 per cent of total advances and 22.3 per cent of gross NPAs. Indeed, the gross NPA ratio of the top 100 borrowers rose from just 3.4 per cent in September 2015 to 22.3 per cent in March 2016, with the reclassification of restructured assets.

Unfortunately, the focus of the government and the RBI is on finding ways in which banks can help revive the large business groups, rather than how banks can recover their dues and beef up their balance sheets. According to RBI data, the rate of recovery of NPAs of scheduled commercial banks through various channels (Lok Adalats, Debt Recovery Tribunals and the Securities and Reconstruction of Financial Assets and Enforcement of Security Inter-

est (SARFAESI) Act) has fallen from 22 per cent of amounts involved in cases referred to these channels and being considered by them as of March 2013 to 10.3 per cent by end-March 2016. The referred cases themselves exhaust only a small proportion of aggregate NPAs in the system. In fact, actual recoveries constitute only a small proportion of the reduction in NPAs.

In 2012, actual recoveries accounted for 34.4 per cent of NPA reduction, “upgradation” (from NPA status) accounted for 34.5 per cent and compromises/write-offs for the remaining 31.1 per cent. In 2015, these figures stood at 32.6 per cent, 26 per cent and 41.5 per cent respectively. Write-offs are rising from already high levels.

FAILURE TO RECOVER

This failure to recover money lent to top corporates has been accompanied by an effort to sell off assets to private Asset Reconstruction Corporations (ARCs) who could acquire NPAs at a negotiated discount. They make an upfront payment of as low as 5 per cent of the sums due, with the balance covered by security receipts accepted by the banks from the ARCs, which need to be redeemed only when the ARCs manage to sell the assets concerned. Thus, the ARCs were being contracted to recover a small percentage of the total NPA value, with their fee depending on the difference between the acquisition and sale price. The result is that when the discount on NPAs sold by banks was sought to be reduced, the volume of NPAs sold came down.

It is in this context that the *Economic Survey’s* case for the creation of a Public Sector Asset Rehabilitation Agency (PARA) has to be assessed. In the *Survey’s* view: “Cash flows in the large stressed companies have been deteriorating over the past few years, to the point where debt reductions of more than 50 per cent will often be needed to restore viability.

The only alternative would be to convert debt to equity, take over the companies, and *then sell them at a loss*” [emphasis added]. So the point

here is that instead of recapitalising the banks, the government should recapitalise the companies at taxpayers’ expense.

The Finance Ministry’s claim is that this is necessary because the companies cannot share any of the blame for their current position: “Without doubt, there are cases where debt repayment problems have been caused by diversion of funds. But the vast bulk of the problem has been caused by unexpected changes in the economic environment: timetables, exchange rates, and growth rate assumptions going wrong,” the *Survey* argues. This unabashed call for subsidising private sector losses comes at a time when the government claims it does not have enough money to recapitalise the banks.

Government and RBI spokespersons have recommended that public sector banks should sell new equity and dilute government stake to strengthen their capital base. But if banks are not recapitalised, there may not be many buyers for their equity. Meanwhile, the Finance Ministry has suggested making transfers to the private sector through a roundabout scheme that helps write off their debt.

In the midst of this, the newly appointed RBI Deputy Governor Viral Acharya, rumoured to have been hired for his advocacy of bad banks (a title he now says he dislikes), has floated a restructuring strategy which combines all the old ideas and has little new in it. It includes restructuring of loans if the restructured asset is viable, sale of some assets with reasonable economic value to a Private Asset Management Company, sale of other assets to a (quasi-government?) National Asset Management Company, and recapitalisation of banks through sale of equity (“private capital raising”), asset sales and mergers. When a policy package claims to do a little bit of everything, there is reason to be worried. That could be a way to implement what may be the worst elements of the package, with the rest being the smokescreen to conceal the core objective. □

Stellar feat

ISRO puts 104 satellites into orbit in a single launch, in itself an achievement, but the real challenge was to **release them in a predetermined sequence** and time frame, ensuring that they did not collide. **BY T.S. SUBRAMANIAN**

AT a press conference in Sriharikota after the Polar Satellite Launch Vehicle (PSLV-C37) put 104 satellites into orbit on February 15, A.S. Kiran Kumar, Chairman, Indian Space Research Organisation (ISRO), emphasised that the mission was not aimed at creating a record. “It is not about setting records. It is primarily about improving our capability to maximise our returns,” he said. He explained how the decision to put 104 satellites into orbit came about. “We had excess capacity [in the PSLV]. This was effectively used to put small satellites into orbit. This is a timely effort. We are trying to maximise our resources.”

The four-stage PSLV, which has had 38 successful missions in a row, including the one on February 15, can put satellites totally weighing 1,350 kilograms into orbit. The PSLV-C37’s primary aim was to put a Cartosat-2 series satellite weighing 714 kg into orbit. Besides, it was to put into orbit two ISRO nanosatellites, INS-1A weighing 8.4 kg and INS-1B weighing 9.7 kg. So, the vehicle had “excess capacity”, that is, it could carry more satellites into orbit.

When the United States, Israel, Kazakhstan, the Netherlands, Switzerland and the United Arab Emirates approached Antrix, the commercial wing of the Department of Space, for putting their nanosatellites into orbit, ISRO readily agreed. It meant revenue generation—Antrix would charge these countries for

putting their satellites into orbit.

That was how the PSLV-C37 carried 96 nanosatellites from the U.S. and one each from Israel, Kazakhstan, the Netherlands, Switzerland and the UAE. These 101 nanosatellites together weighed 645.9 kg. Thus, the total weight of all the satellites carried on board the PSLV-C37 was 1,378 kg.

Kiran Kumar gave a perspective to the mission: “Today, more and more small satellites are being realised. Many times they have to wait for a launch vehicle [to put them into orbit].... So, we put into orbit as many small satellites as possible from this.... The real challenge was to put them into orbit within the time frame demanded by the customers.”

If the media in general celebrated the success of the mission in putting 104 satellites into orbit from a single vehicle, some online columnists derided it as needless “chest-thumping”. But what actually mattered was the complexity involved in putting so many satellites into orbit in a sequence and ensuring that they did not collide.

ISRO’s top brass explained how they did it. K. Sivan, Director, Vikram Sarabhai Space Centre (VSSC), Thiruvananthapuram, said, “Even to separate one satellite from the vehicle is complex, to put 104 satellites into orbit was not an easy job.” All the 104 satellites had to be put into orbit in just 600-odd seconds before the vehicle reached the South Pole, Sivan



ARUN SANKAR/AFP

THE LAUNCH of the PSLV-C37 from Sriharikota on February 15.



COURTESY/ISRO

THE SUCCESSFUL TEST FIRING of the cryogenic stage, C-25, for its full flight duration of 640 seconds, at the ISRO Propulsion Complex at Mahendragiri in Tirunelveli district, Tamil Nadu.

said. After India's Cartosat-2 series satellite and INS-1A and INS-1B were put into orbit one after another, the remaining 101 were shot into orbit in "sets" or in pairs separated at a 180 degree angle, he said.

After a smooth countdown, the 44.4-metre-tall PSLV-C37 XL version, weighing 320 tonnes and equipped with more powerful strap-on booster motors than the normal version, lifted off at 9.28 a.m. from the first launch pad at the Satish Dhawan Space Centre at Sriharikota.

The fourth stage of the vehicle broke free about 16 minutes and 48 seconds after lift-off and Cartosat-2 was injected into orbit at 17 minutes and 30 seconds from blast-off. Then INS-1A and INS-1B separated at 17 minutes and 39.80 seconds and 17 minutes and 40.30 seconds respectively.

The first pair of nanosatellites

separated at 18 minutes and 32.80 seconds and the last pair was put into orbit at 28 minutes and 42.80 seconds from lift-off. Thus, in a span of 10 minutes, all the 101 nanosatellites were fired from the vehicle's fourth stage in a sequence, ensuring that they did not collide. At about 29 minutes into the mission came the announcement from the Mission Control Centre: "Separation of 104 satellites confirmed."

NOVEL SEQUENCING

According to Kiran Kumar, the challenge lay in accommodating so much of mass [of the satellites] in the fourth stage of the vehicle and releasing them in a manner that they would not collide not only at their time of release but during their life in orbit. So, a novel sequencing system was adopted. The 101 nanosatellites were housed in quad packs, each ac-

commodating four nanosatellites. The quad packs are box-like structures and once they are ejected from the vehicle's fourth stage, a door slides open in each pack and the four nanosatellites are fired into orbit in pairs in opposite directions. The gap between two pairs of satellites being put into orbit was about four to 12 seconds. "This depended on the direction and the velocity with which each of the satellites was put into orbit," said Sivan.

PSLV-C37 Mission Director B. Jayakumar called it "a highly mission-intensive launch" with "a lot of complex manoeuvring" of the fourth stage.

M. Annadurai, Director, ISRO Satellite Centre, Bengaluru, which built the Cartosat-2 series satellite and INS-1A and INS-1B, said ISRO had put multiple satellites into orbit using a single vehicle in earlier mis-



ISRO CHAIRMAN A.S. KIRAN KUMAR and IPRC Director P.V. Venkitakrishnan addressing mediapersons at the ISRO Propulsion Complex after the successful cryogenic upper stage test on February 17.

sions and “the same was multiplied now by a number” and the satellites had to be separated at the correct intervals. “From the launch vehicle point of view, it is the mass that matters. From the separation point of view, only the number [of satellites] goes up. They should not collide. For that there is a proper orientation of the vehicle,” he said. The satellites were ejected at different timings, orientation and velocity. Annadurai added, “We separate the satellites in a very controlled way.”

An article called “The unique triumph of PSLV-C37” on the ISRO website said:

“The large number of satellites in this mission demanded adopting innovative approaches in satellite accommodation and mission design.

“The next requirement was managing the safe separation of these large number of satellites within the constraints of limited visibility duration of ground stations and maintaining a safe distance between the separated satellites over a longer period of time.

“This was managed by designing a unique sequencing and timing [system] for separating the satellites and with complex manoeuvring of the PS4 stage to which the satellites were attached. The separation sequence, direction and timing were finalised based on extensive studies to ensure safe distances among the 105 objects (including the PS4 stage)

in orbit....

“The next major requirement was to ensure reaching the separation command from the launcher to respective satellites, honouring the pre-defined sequence, which involves a complex electrical wiring scheme. Any error in the wiring may result in the release of the wrong satellite, leading to an undesirable situation of collision between them.

“Another feature in this mission was capturing all the separation events of the vehicle stages and the 104 satellites using a comprehensive video imaging system onboard.

“Meticulous planning was done at the launch complex, the SDSC at Sriharikota for assembling and handling of all satellites’ preparation....”

The imagery sent by the Cartosat-2 series satellite will be used for mapping applications, monitoring coastal land use and regulating the use, road networking, creation of land-use maps and detecting changes on land such as man-made features and so on.

Building INS-1A and INS-1B at the ISRO Satellite Centre was an important initiative because the satellites were very small and each carried several payloads. “This is a remarkable achievement,” said Annadurai.

The INS bus could be used by universities and industries to build their own satellites. The bus would provide an opportunity to universi-

ties and research and development laboratories to carry their innovative payloads.

NEXT, GSLV-MK III

With this innovative mission behind it, ISRO is now looking forward to the maiden lift-off of its gigantic Geosynchronous Satellite Launch Vehicle, the GSLV-Mark III, in the second half of April 2017. It weighs 640 tonnes and is the heaviest and most formidable launch vehicle built by ISRO so far. The three-stage vehicle is 44 metres tall and features an indigenously designed and built cryogenic stage, which will be powered by 25 tonnes of liquid oxygen and liquid hydrogen. The rocket’s configuration comprises two solid strap-on booster stages called S-200, each with a capacity to hold 200 tonnes of solid propellants; a liquid core stage called L-110, which will hold 110 tonnes of liquid propellants; and the cryogenic upper stage called C-25, which uses 25 tonnes of cryogenic propellants.

P.V. Venkitakrishnan, Director, ISRO Propulsion Complex (IPRC), Mahendragiri near Nagercoil, Tamil Nadu, was upbeat on February 17 after the cryogenic stage, C-25, fired for its full flight duration of 640 seconds at the IPRC complex. This is a major milestone before the GSLV-MK III lift-off from Sriharikota. After the successful firing, which began at 5 p.m., Venkitakrishnan told *Frontline* from Mahendragiri: “This was a qualification test, a stage test. We will analyse the results of the test and if no fine-tuning is required, the flight cryo stage will move to Sriharikota in two weeks and the GSLV-MK III launch will take place in the second half of April. The two strap-on booster stages and the liquid core stage have already reached Sriharikota.”

The GSLV-MK III will put into orbit a communication satellite called GSAT-19E, weighing about 3.2 tonnes and built by ISRO Satellite Centre.

Said Venkitakrishnan: “GSLV-MK III is fully designed and developed in India. It is a 100 per cent Indian product.” □

Striking fear

Two Bills passed recently by the West Bengal Assembly, one to **crush any voice of opposition** and the other to wrest complete control of government-aided institutions of higher education, reflect the Trinamool Congress government's authoritarian tendencies.

BY **SUHRID SANKAR CHATTOPADHYAY**

TWO back-to-back Bills passed in the West Bengal Legislative Assembly in the face of strong protests from opposition parties once again reflect the Trinamool Congress government's totalitarian attitude and its tendency to suppress dissent. The West Bengal Maintenance of Public Order (Amendment) Bill, 2017, passed on February 8, imposes stringent conditions on those causing damage to public property during agitations and also a "payment of collective compensation on the inhabitants or other persons concerned". The West Bengal Universities And Colleges (Administration and Regulation) Bill, 2017, passed the next day, gives sweeping powers to the State government over government-aided colleges and universities.

PENALISING PROTEST

There were angry and violent exchanges in the Assembly on February 8 when the government tried to pass the Bill on public order. Opposition legislators reminded the Trinamool Congress of the acts of vandalism by its legislators in the House in 2006 when the Left Front was in power. "Those who were law breakers before are now the law makers," said Manoj Chakraborty, Chief Whip of the Congress Legislature Party. Speaker Biman Banerjee suspended the Congress' Abdul Mannan, Leader of the Opposition,

for two days. When he refused to leave, the Speaker ordered the security personnel to evict him from the House. In the scuffle that followed, Mannan, 61, collapsed and was hospitalised. The Congress and the Left staged a walkout and continued to protest during the rest of the Assembly session. The West Bengal Maintenance of Public Order (Amendment) Bill, 2017, was passed with voice vote.

The Bill is an amended version of

the West Bengal Maintenance of Public Order Act, 1972, which was never invoked in the 34 years of the Left Front rule from 1977 to 2011. The amended legislation is more draconian. Its single most controversial aspect is the power that it vests in the State government to impose a "collective" penalty for damage to public property.

Section 15 B of the Bill lays down that "a person committing offence of mischief shall also be liable to pay the



CONGRESS AND LEFT MLAs demonstrating against the property damage Bill after walking out of the Assembly on February 8.

compensation to the extent of damage caused to the property as may be determined by the court". The next section says the State government can impose collective compensation on not just the perpetrators of the offence but also the inhabitants of "any" area where the offence has taken place: "If after enquiry in the prescribed manner the State government is satisfied that the inhabitants of any area are concerned in, or abetting or instigating, the commission of the said offence or failing to render all assistance in their power to discover or apprehend the offender or offenders or suppressing material evidence of the commission of such offence, the State Government, may, by notification in the Official Gazette, impose a collective compensation on such inhabitants and apportion such compensation amongst the inhabitants in such manner as may be prescribed."

There is a great deal of ambiguity in this section, particularly in the term "any area". Constitutional experts have pointed out that in the event of a disturbance in a particular mouza, all inhabitants of not only the mouza but also the gram panchayat and even the entire bloc of the district concerned can be labelled as having had a hand in it if the State government chooses to see it that way. Moreover, it is not just the offenders who are liable to be penalised but also those who the government feels have failed to render all the assistance in their power to discover or apprehend the offenders. Practically anyone can be apprehended by the police under the clause, the opposition said. The Bill goes on to say that the collective compensation will be announced in the area concerned by "beat of drum or in such other manner as the State government may think best in the circumstances to bring the imposition of the collective compensation to the notice of the inhabitants of the said area".

Sujan Chakraborty, senior Communist Party of India (Marxist) leader and MLA from Jadavpur, told *Frontline*: "This is like a medieval law, and the power of the judiciary is

being encroached upon by the State government. The purpose of the Bill is to punish any voice of opposition or protest, even those which may come from within the Trinamool. This has come at a time when the government is facing mounting protests on various fronts—be it on grounds of corruption, forcible land acquisition, or the deteriorating law and order situation."

The Bill also states: "Any person aggrieved by the imposition of the collective compensation... may, within thirty days of the notification, file a petition before the State government or such other authority as it may specify in this behalf for being exempted from such compensation." There is a feeling that the clause may be used to induct more people into the ruling party's fold. Manoj Chakraborty told *Frontline*: "Essentially, what the State government is saying is, if you are indicted for opposing the government, you are being given the scope to be exempt from penalty if you join us. The Trinamool is doing all this now out of fear of losing power."

Chief Minister Mamata Banerjee, while participating in the discussion on the Bill, declared: "We are not afraid of anybody. This decision has been taken for the welfare of the people."

The political commentator and



ABDUL MANNAN, Congress MLA, who was injured during a scuffle in the Assembly on February 8.

social scientist Biswanath Chakraborty felt the new Bill exemplified Mamata Banerjee's brand of politics. "This is typical of Mamata's style of politics. When she was in the opposition, it was total opposition. She did not participate in any political dialogue with the ruling party then. Now, when in power, she works on the same principle—she wants to exert absolute control. There is no middle path for her," he told *Frontline*.

Right from the time when Mamata Banerjee assumed power for the first time in 2011, she has made it clear that dissent will not be tolerated. A university professor was sent to jail for circulating an innocuous cartoon about the Chief Minister; a college student was branded a Maoist supporter for asking a question that Mamata Banerjee found uncomfortable on a news channel; a hapless farmer was arrested by the State police when at a public rally he interrupted the Chief Minister's speech complaining about the rise in fertilizer prices. Such cases abound in the six years of Trinamool rule in West Bengal.

CONTROL ON COLLEGES

The West Bengal Universities And Colleges (Administration and Regulation) Bill, 2017, gives the State government overriding powers on practically all aspects of the functioning and administration of government-aided colleges and universities. The government can intervene in matters ranging from the nomination of the president of an institution's governing body and the dissolution of the said body to the revision of pay scales of teachers. The government will even lay down the rules and procedures of students union elections.

The Bill's Statement of Objects and Reasons claims that its aim is to "improve the functioning of the state-aided universities and government-aided colleges of West Bengal, and to bring about a certain uniformity and standardisation in the rules, practices, procedures, etc." Political observers and educationists, however, feel the move blatantly infringes on the autonomy of institu-



MEMBERS of the West Bengal College and University Teachers' Association at a rally against the Bill aimed at tightening government control over institutions of higher education.

tions of higher education and attempts to destroy the unique characteristics of each institution.

At the very onset, what most stakeholders in higher education find objectionable is the proposed composition of the governing body. The Bill states that the president shall be a person "interested in education" and will be nominated by the government. A professor of a government-aided college told *Frontline*: "Anybody can be 'interested in education' and not necessarily an educationist. This allows the government to nominate anyone it chooses, not on the basis of credentials or even educational qualifications but on political affiliation. The objective of the Trinamool government is clear—it is trying to push its own people into governing bodies to seize complete control of the institutions. This will be ruinous for the higher educational system."

Biswanath Chakraborty pointed out that in quite a few countries educational institutions continued to work unhindered even when the state faced a crisis. "This can take place only if these institutions of higher learning are allowed to retain their autonomy," he said.

This is not the first attempt by the present dispensation to seize complete control of government-aided institutes of higher education. On an earlier occasion, State Education

Minister Partha Chatterjee tried to justify the government's constant meddling in the functioning of various institutions with this blunt comment: "Since we pay the salaries we have every right to interfere in their affairs." His language was more temperate when he introduced the Bill in the Assembly, but the spirit was much the same: "This Bill was framed with the intention of straightening the back of the education system in the State."

Debashish Sarkar, Principal of Chandannagar College and a national executive committee member of the All India Federation of University and College Teachers Organisation, told *Frontline*: "For better or for worse, our education system is a legacy of the British system. All over the country there is a basic structure in the higher education system, which ensures two parameters—democratic functioning and autonomy for institutions. If the number of government-nominated members in an institution increases, then every successive government will try to push its own agenda, and ultimately the ambience for education will suffer and the institution itself will become a victim of politics."

The new Bill is undoubtedly the biggest setback so far to the autonomy of government-aided institutions of higher education. One section

states that the government "may by order, from time to time, revise the scale of pay attached to the post of teachers, officer or of non-teaching employees or sanction any new allowance thereof".

Sarkar pointed out that from 1986 onwards, since the establishment of the Mehrotra Committee, the first of the four central Pay Review Committees that have been set up till date, recruitment norms, promotion policies, and pay structure of teachers in government and government-aided institutions and universities were decided at the all-India level. "The Mehrotra Committee [1986], the Rastogi Committee [1996] and the Chadha Committee [2006] had given their evaluations and recommendations for every 10 years to the UGC [University Grants Commission], which in turn submitted its own findings to the Ministry of Human Resource Development. The Ministry, after gazette notifications, sent the recommendations to the State Chief Secretaries, and the State governments implemented them. This is the general practice, so there is no space here for intervention by the State." The State can intervene in the case of non-teaching employees but not the teaching staff.

Legal experts believe that there will be a spate of cases challenging the Bills and these will stall the ruling party's plans. □



SASHI KUMAR

Post-Trump press-pective

What direction the **current standoff between President Donald Trump and the press** in the United States will take is important for the future of democracy.

WHEN the most powerful person in the world, before and after he became that, has been making a series of atrocious comments and charges, many of them verifiably false—so much so that fact-checking has become an important and urgent preoccupation of journalism, and even journalism schools are figuring out how to institute modules on methodologies of fact-checking that can nail the lies uttered with Trump-like callousness and aplomb by politicians at large—are we supposed to scramble back to the drawing board to figure out whether we have got our moral bearings right, or hold steadfastly to the conviction that we are indeed right in saying that what is patently wrong is wrong? As we get habituated to Trump (what choice do you have; how can you wish away the President of the United States?), we also find ourselves under a combination of some kind of social pressure and auto suggestion to nor-

malise his abnormal behaviour. And that is the danger, because that is when we flip over into that strange state of being that has been, quite fittingly, described as post-truth.

As a euphemism for post-truth, or perhaps by way of a concession that in our mundane lives we deal with the lesser quotidian truths, we have the other idea doing the rounds of alternative facts coexisting with, and complementing or countering, a given set of (accepted? settled?) facts. It does not seem to matter that these newfangled terms absurdly fly in the face of not just truth or fact, as the case may be, but of logic and common sense. This process of contestation invokes a Rashomon effect where there can be as many facts and truths as there are stakeholders invested in them. It is indeed a surreal “post” state of understanding and engaging with reality.

Or, it may be that in our diced and digitised world, marked by dis-

ruptions rather than continuities, there is no more place for a composite reality, that we have to deal piecemeal with fragmented and fractured reality bites, like so many pixels, or shards of mirror that will not become whole again. Permutations and combinations of factoids and digits assemble to make momentary meanings of one kind, and then disassemble to regroup again to mean something else. Maybe the age of meta narratives is yielding to one of a jostle of numerous sub and self-sufficient mini-narratives. Maybe imperialism and hegemony are not a cumulus bearing down on us but are disbursed and operate at the retail level, subverting our capacity for unified resistance.

Be that as it may, what we are left to grapple with is, like stark polar opposites of this mutating process, the world according to Donald Trump at the one end, and a fierce resistance to the values he stands for



DONALD TRUMP at the February 16 news conference at the White House.

across vast segments of civil society and by an unrelenting band of an influential liberal Western and global news media, at the other. A recent, much-discussed press conference by Trump (on February 16 at the White House) went like a venting of ire and fulmination against the fourth estate from start to finish on the pretext of unveiling sundry administrative and policy measures of the new administration in Washington. What stood out throughout was a President riled to his core by what he considered a pestilent press. His distrust of and anger against it seemed almost pathological.

He made it clear that he was—even if it was a formally convened press conference—speaking over, and above, and despite, the news media, directly to the people, because “the people get it, but much of the media doesn’t get it; they actually get it, but they don’t write it”. And that was because the press “speaks not for the people but for the special interests.” and “has become so dishonest that if we don’t talk about it we are doing a tremendous disser-

vice to the American people”. “The level of dishonesty,” he added, “is out of control.” So, instead of lauding the unprecedentedly wonderful work he had done even in the few weeks he has been President “to drain the swamp of corruption”, to tackle ISIS, which has “spread like cancer”, and to establish a “strong military, strong law enforcement”, the press was peddling “stories of chaos” in his administration.

When he took questions from the journalists assembled in the room he also took a jibe at almost each and every one of them and freely attributed motives to why they were asking what they were asking, unless it was a crony-like query like the one about Melania Trump’s plans to open the White House for visitors, which allowed the President a chance to wax eloquent about the excellent work the First Lady, too, was doing and the raw deal she was getting in terms of publicity, and also fetched the questioner good marks from him. It was, overall, like a petulant school master showing his class of malcontents who the boss was—tut-tutting here,

chiding there, and asking another to just sit down and put up. The journalist from CNN was at the heavy receiving end because his channel was “anti-Trump” and spewed “hatred and venom” against him. When the BBC correspondent rose to ask a question the President could not resist a mocking “here’s another beauty”. He made short shrift of the question itself. The *New York Times* and the *Washington Post* were in the same Trump-damning league. Fox News was where the President seemed to find some comfort and understanding in an otherwise blighting media environment, although that sentiment seemed to go unrequited, with one of the network’s familiar faces characterising this powwow with journalists (although this one was all about pows delivered and not about any wows earned) as “insane” and another Fox News anchor calling it “a press conference for the ages”.

Some of those rude moments turned out to be delightful too—as when the President pre-empted a catchy headline for the news the next day by predicting what it would be: “Donald Trump rants and raves at the press”, as he put it. At other times he seemed genuinely at a loss to understand the mismatch between what he saw and what the press saw: “I was there. I know what happened. You’re reporting something else.” He was, of course, in no doubt that what he chose to see was what the people were seeing, and what the press ought to be seeing. And because the press was not seeing it that way, he was convinced that “the public doesn’t believe you people any more”.

Funnily enough, too, some of what Trump was saying about the press, particularly about the growing credibility crisis, the trust deficit and the disconnect with the people, is already being addressed within the news media domain and is exercising the minds of practitioners, scholars and well-wishers of a free and democratic fourth estate. But when it comes from one who personifies counter-factualism as blatantly as he does, it clearly does not pass muster. After all, in the classic Laswell model

of communication, “Who says what to whom...” is firstly important.

What direction this standoff between the President and the press in the United States will take will be important for the future of democracy. Will the President stand down and accept that the free press by definition will be adversarial to those in power, or will journalists, over time, readjust to this presidential press allergy as a condition they must learn to live with?

More ominously, will the President make taming the press part of his agenda in office and look at ways of circumventing the First Amendment to achieve this? While the U.S. is certainly a great and shining example of a democracy vibrantly mediated by a free press, it is not as if that freedom can be taken for granted, or that the state will not, if it has the chance, make inroads on that turf. Already, the whole area of the right to confidentiality, or protection, of journalistic sources is a bit iffy legally, and someone like Edward Snowden who exposed, among other things, how citizens are being lied to, spied upon and denied information that is their right and in the public interest, is officially considered a traitor and has to live in self-exile in Russia.

Rated 41st among 180 countries in the world index of press freedom (in the listing for 2016 by Reporters without Borders), could the U.S., under the Trump presidency, slip to a lower ranking in the years ahead? From the determination, courage and forthrightness with which the mainstream news media by and large have thus far been confronting the President, that looks unlikely. But then Trump is first and foremost a businessman who brings his commercial acumen, as he is himself fond of reminding us, to bear on most things he has to handle in his political office; and given the size and concentration of ownership of the American media, back-room and board-room manipulation may achieve what a frontal battle with the professional news media may not.

The state of press freedom in India, at a dismally low 133rd position

in the same list of 2016, obviously leaves a lot to be desired. The press here does give the outer appearance of being boldly independent and irrepressible, but its inner workings and pressures, the self-imposed restrictions and censorship and the credulous or complicit manner in which a good part of the influential section of the news media lend themselves to, or are discreetly arm-twisted into, being a propaganda arm of the political party in power, are felt rather than heard or seen, especially under the present regime. Prime-time discussions on TV news channels, even so-called investigative scoops, often make the discerning mind alert to agendas and themes planted across channels which ultimately redound to the credit of the government.

WHERE PRESS FREEDOM IS ZEALOUSLY GUARDED

What, one wonders, in contrast, would be the experience of countries where the freedom of the press is at its absolute best? The Nordic countries—Norway, Finland, Denmark, Sweden, and Iceland—have consistently topped the global press freedom index. During a visit last week to the Asian College of Journalism in Chennai and interaction with the students there, the Ambassadors of the Nordic countries to India provided useful insights into how zealously and consistently these freedoms have been guarded and nurtured in these countries.

The Swedish parliament was the first ever legislature to pass an Act, as far back as 250 years ago, guaranteeing freedom of the press, and since then it has been an article of faith with both the government and the people there. Succinctly underlining this commitment, the Swedish Ambassador, Harald Sandberg, said: “Freedom of expression is for what the government does not like.” It is illegal here for the government or indeed any authority to seek the source of a media report, making for a regime of full protection of sources. Transparency in public administration and public documentation is the given. “Every single mail I send out is

available to journalists,” he said, by way of illustration. Freedom of expression is so ingrained into the constitution and the way of life that “to use the national flag to wipe your shoes is legal, it may be in bad taste. To ask for part of the country to secede is legal, not sedition.” Going by our own touchy, overzealous, views on these matters, the Swedes must be a congenitally anti-national people.

In Norway, there are restrictions on hate speech, but that does not preclude space for extreme ideologies. The state in fact actually subsidises, without any strings attached, newspapers both of the extreme left and the very conservative Christian right, so that their views are available to the people along with those of the more mainstream parties in the political spectrum. As the Norwegian Ambassador Nils Ragnar Kamsvåg, echoing his Swedish counterpart, put it: “Freedom of speech is very easy for all of us to agree on when it doesn’t cost anything.” Finland, which has been topping the list as the country with the freest press in the world, has big new challenges to overcome, including that of growing acts of intolerance against Jews and Muslims and what Ambassador Nina Irmeli Vaskunlahti described as among the world’s largest “troll factories” operating from neighbouring Russia. But the country has stayed the course without abridging press freedoms in any way and is confident it will overcome this difficult phase. Iceland alone in the group has slipped in the recent years to the 19th position, and the “principal explanation” for this lies, as Ambassador Thorir Ibsen explained, “in the language used by politicians against journalists”.

The unstinted freedoms of thought and expression sustained in the Nordic grouping, at a time when hate speech and xenophobia are becoming more vicious, point to the simple truth of U.S. Supreme Justice Louis Brandeis’ observation way back in 1927 that “to expose through discussion the falsehood and fallacies, to avert the evil by the process of education, the remedy to be applied is more speech, not enforced silence.” □

Tamil Nadu



AFTER many twists and turns in Tamil Nadu politics, V.K. Sasikala's proxy E.K. Palaniswami is occupying the Chief Minister's chair (Cover Story, March 3). Both the ruling party and the opposition exhibited abysmally low behaviour in the Assembly.

The Supreme Court's landmark judgment against Sasikala in the disproportionate assets case shattered the ambitions she and her coterie had of ruling the State. Governor Ch. Vidyasagar Rao postponing his decision on Sasikala's request to be installed as Chief Minister proved sagacious as otherwise the people of Tamil Nadu would have had to witness the ignominy of their Chief Minister moving from the Secretariat to prison within a week's time.

Keeping around 124 MLAs of the AIADMK as captives for 10 days in a resort and herding them straight to the Assembly to cast their votes in favour of Palaniswami was a sorry spectacle.

N.C. SREEDHARAN
KANNUR, KERALA

RIGHT from the day of the death of Tamil Nadu Chief Minister Jayalitha, the State has been in crying need of good and strong leadership. Many things have happened in the politics of Tamil Nadu since then. At a time when there are many issues facing the people of Tamil Nadu, which has been hit by drought, it is important for the media and for politicians to concentrate on these issues.

P. SENTHIL SARAVANA DURAI
MUMBAI

Uttar Pradesh

WHILE the political stock of Chief Minister Akhilesh Yadav within the Samajwadi Party (S.P.) has gone up, it is doubtful

whether the "Akhilesh factor" alone will be sufficient to propel the party to power in the Assembly elections ("Advantage Akhilesh", March 3). With the burden of the anti-incumbency factor on its shoulders largely because of its failure on several fronts, including law and order, it is doubtful whether an electoral campaign banking on the Chief Minister's image will help the S.P. pull it off at the hustings. The factional feuds witnessed within the S.P. in recent times, with top leaders of the party washing their dirty linen in public, have sullied its image and added to its woes.

The Congress-S.P. tie-up can only be construed as the last-ditch effort of the grand old party to remain politically relevant in the State. While Prime Minister Narendra Modi's continued popularity could turn the tide in favour of the BJP, the presence of a strong rival in the form of the Bahujan Samaj Party headed by a resurgent Mayawati could pose a formidable challenge to the ruling dispensation. It is clear that the S.P. needs to make a Herculean effort to retain power.

B. SURESH KUMAR
COIMBATORE, TAMIL NADU

Trump policy

THE days of sending "cheap" Indian IT professionals on H-1B visas to work in U.S. IT and other companies are over with President Donald Trump's "America first" policy ("Outsourcing worries", March 3). The Trump administration is likely to issue an executive order soon hiking the minimum wage of H-1B professionals, which means the Indian IT companies will lose their edge in labour wages. They will either have to look for alternative markets or improve their efficiency to stay competitive. Foreign markets such as post-Brexit Britain and the E.U. could be attractive alternatives. Indian-based IT companies could offer their products and services worldwide after some innovation and value addition. This will also give job creation within the country a boost. It is bad policy to keep all one's eggs in one basket.

D.B.N. MURTHY
BENGALURU

Rohith Vemula

WHY is the district administration of Guntur, Andhra Pradesh, being criticised for issuing a notice to the family of Rohith

Vemula relating to its Scheduled Caste (S.C.) status ("Casting aspersions", March 3)? There have been many instances in the past where S.C./Scheduled Tribe certificates obtained by fraudulent means were cancelled after an inquiry. In fact, some elected representatives from Andhra Pradesh lost their seats in the Assembly/Lok Sabha because they had falsified their status. So why is this case being projected as something serious that is happening to Rohith Vemula's family?

DUGGARAJU SRINIVASA RAO
VIJAYAWADA, ANDHRA PRADESH

Communal attack

THE attack on Sanjay Leela Bhansali is very unfortunate ("Targeting a film-maker", March 3). It is matter of serious concern that some people want to hijack our freedom of expression. We live in a secular society and cannot allow Hindutva activists to impose their extremist ideology on us. We must oppose acts inspired by Hindutva fanaticism.

NEERAJ KUMAR JHA
DARBHANGA, BIHAR

IT is easy to be critical but quite difficult to create a work of art. Film-makers usually carry out extensive research before making films on historical figures. However, some discrepancies might still be found in the movies. If an organisation has any objection to a film, the matter should be sorted out through discussion. Violence cannot be justified under any circumstances. Everyone should condemn the violence on the sets of "Padmavati".

MAHESH KUMAR
NEW DELHI

Renaissance & Ambedkar

THIS is with reference to the article "Three phases of Indian renaissance" (March 3). The writer tried to analyse his theory with erudition, but I failed to understand why he did not feel it necessary to mention Dr B.R. Ambedkar while discussing the caste system.

I also found it strange that the article mentioned that Gandhi addressed the issue of the caste system. It is well known that Gandhi was a staunch supporter of the caste system. The real crusader against the caste system was Ambedkar, who fought against this evil throughout his life in a manner no other Indian has been able to continue. His "Annihilation

of Caste" is a classic piece of literature. It is meaningless to talk about a renaissance in India without mentioning Ambedkar.

MOOLCHAND SONKAR
VARANASI, UTTAR PRADESH

Caste system

"THE making of India" (February 17) was a comprehensive essay on the subject. While referring to the caste system, it mentioned Alberuni. The National Book Trust of India has published the English translation of his memoir with the title "Alberuni's India". In it, Alberuni mentions that he found nine castes among Hindus in 1030. The Mandal Commission found some 5,300 castes and sub-castes in 1978. So the number of castes grew from nine in 1030 to 5,300 in 1978. This proliferation possibly took place after 1206 and continued until the 18th century. Will historians throw some light on this?

GADADHAR NARAYAN SINHA
LUCKNOW

UBI

IN a 2008 paper titled "The Case for Direct Cash Transfers to the Poor", Arvind Subramanian, the current Chief Economic Adviser to the government, along with other economists suggested replacing Central schemes and subsidies with direct cash distribution to those below the poverty line ("A universal basic income in India?", February 17). Thus, the objectives of a universal basic income (UBI) would be to eliminate the public distribution system and fuel and fertiliser subsidies. Instead of considering a UBI, to reduce poverty and inequality the government should implement other measures such as increasing the minimum wage and ensuring that funds for the National Rural Employment Guarantee Scheme are released on time.

THANVEERUL HAK
MUDAVOOR, KERALA

Fidel Castro

WITH the demise of Fidel Castro, the world lost one of the tallest revolution-

aries of the 20th century (Cover Feature, December 23). The fact that Castro could stand up to the global bully for half a century and withstand more than 600 assassination attempts is a testament to his steadfastness and courage in the pursuit of his ideological goals and in the defence of his small island nation.

It is also a testament to the weakness of the superpower in dealing with a powerful leader. One must remember that in the Vietnam War the U.S. was defeated by a tiny man, Ho Chi Minh.

K.P. RAJAN
MUMBAI

CORRECTION

J. Ilavarasi is the widow of V.K. Sasikala's brother Jayaraman and not as published in the Cover Story article "Acts of ambition" (March 3).

ANNOUNCEMENT

Letters, whether by surface mail or e-mail, must carry the full postal address and the full name, or the name with initials.

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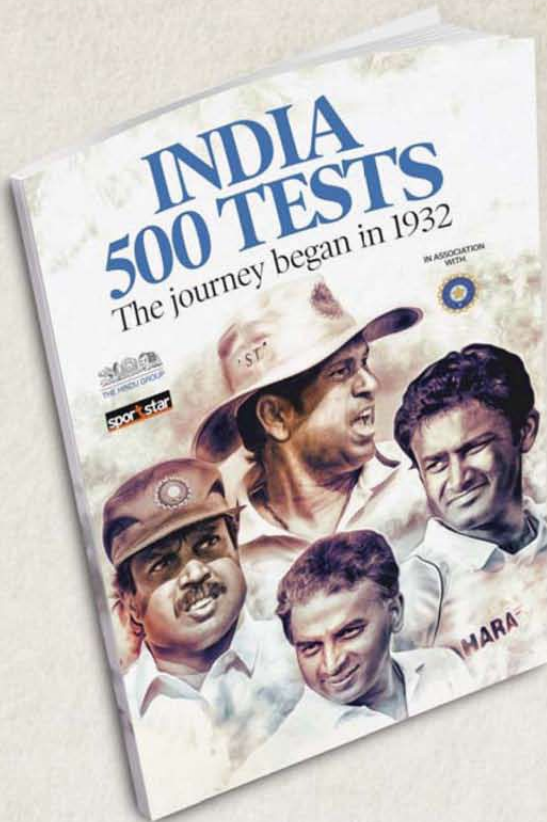
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