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WORDLY WISE

ONE OF THE FRUSTRATING PARTS, BUT AN INHERENT PART OF OUR DEMOCRACY, IS SEPARATION OF POWERS.

— GEORGE PATAKI

The Indian EXPRESS

FOUNDED BY

RAMNATH GOENKA

BECAUSE THE TRUTH INVOLVES US ALL

MATTER OF PRINCIPLE

At a crucial moment in India's political history, Supreme Court yet again refuses to compromise

INDIAN DEMOCRACY IS a framework of checks and balances, counterweights and counter-narratives which, in the system's best version, prevents any of its constituent entities from acquiring overriding powers. When overwhelming political majorities appear to confer sweeping authority on governments, the system depends crucially on independent institutions to provide the counterpoise to keep it on an even keel. Their role assumes enormous significance when governments at the Centre and in a critical number of states are run by the same political grouping. In that perspective, and even at the risk of continuing friction with the executive, the Supreme Court has done its duty by rejecting controversial clauses in the Memorandum of Procedure. Its five-judge collegium has unanimously dismissed the proposal that government should have the power to reject candidates for the post of high court judge on the plea of national security. This would have conferred a sweeping veto power to the government.

The court itself is prepared to be reasonable. It proposes that the government can bring material on board in support of national security concerns. However, if the collegium is unconvinced and insists on the candidate in question, the government must propose the name to the president. The collegium has also rejected the proposal to set up a permanent secretariat to collect lists of candidates, and to vet them. It insists that such an agency can only operate in a clerical relationship with the existing system of selecting judges. Law Minister Ravi Shankar Prasad asks why the judiciary cannot trust the prime minister to appoint judges through the law ministry. Equally, the minister may be asked why he cannot trust the country's best judges to have a greater say in the appointment of their peers, whose work they have seen far more closely than the executive.

Last week, the Chief Justice of India had disappointed by asking the contending parties in the Babri Masjid-Ram Janmabhoomi dispute to try to reach a settlement out of court, even though the minority community has clearly held that only judicial intervention can bring closure. But by forcefully rejecting the government's attempts to gain more leverage in the appointment of judges, by standing up as a crucially important institution which is the custodian of the Constitution, its letter and its spirit, the Supreme Court has again lived up to its stature. In times of overwhelming electoral majorities, this is how institutions must stand up and be counted. The face-off with the government over veto powers has been in process since May last year, when the previous chief justice was in office. The judiciary must be commended for steadfastly refusing to compromise on its independence, at a time when judicial oversight, one of the checks built into the democratic system, could become an important safeguard.



FALI S. NARIMAN

WITH THE RECENT elections in Uttar Pradesh, the BJP has effectively replaced the century-old Congress party as the national party of India. And the time has come — not to talk of anything else!

Because, as I see it, we are on the threshold of a Hindu state (unconstitutional though it be). We are moving — not towards the *soft* Hindutva that Justice J.S. Verma spoke of in his judgment in the Manohar Joshi vs N.B. Patil case (1995), “not a religion but a way of life”, but the *hard* Hindutva of V.D. Savarkar — “Hindu Rashtra (state), Hindu Jati (race) and Hindu Sanskriti (culture)”. This is plainly not the state envisaged in the Constitution of India: A constitution that was framed mainly by those who professed the Hindu religion — in a Constituent Assembly of 299, 255 members (85 per cent) were Hindus! You might well say, “What's surprising about this; after all, it is a country where the overwhelming majority of its citizens are still Hindus” (about 80 per cent).

Yes. And for me, for this reason alone, this is a time to recall the days of the internal Emergency. It was the high courts (nine of them) that almost saved the day in protecting citizens' freedoms — only to be overruled by a bench of five of the senior-most judges of the highest court. Not unanimously (thank God) but by majority (4:1). The majority through Chief Justice A.N. Ray had glibly said that liberty was the gift of the law, and by the law, it could be taken away. But not Judge No. 2 H.R. Khanna — that is why he is revered by one and all as the hero of the Emergency era (but only after the Emergency ended, not during its painful existence).

I believe it is necessary at this time of the (justified) political triumph of India's majority party — to recall briefly a couple of true stories of that internal Emergency. I believe they will help strengthen us all (lawyers, judges, journalists, editors of newspapers and of news channels) to resist the

Lest we crawl

At this time of (justified) political triumph of India's majority party, let's recall a few Emergency stories

admonition then administered by the great-gentleman-statesman of our time, L.K. Advani. After the end of the internal Emergency of 1975, he told a group of editors: “You were all asked to bend — but why on earth did all of you crawl?”

Before the internal Emergency of June 1975, I had appeared (as law officer of the Union) in a group of matters in the Delhi High Court for the government, where preventive detention orders on persons, later acknowledged to be smugglers, were challenged in writ petitions under Article 226. The matters went on for many days and judgment was ultimately reserved. It was delivered by the high court on a Friday: The grounds of detention, the judgment said, were insufficient. The detention orders were quashed.

In the afternoon on that fateful Friday, I interrupted a part-heard matter before a Constitution bench presided over by Chief Justice Ray and requested that their lordships stay the order of the Delhi High Court — undertaking that an SLP (special leave petition) would be filed by Monday but this was denied. The chief justice pompously said: “This is a matter of personal liberty and we have neither the judgment nor any written application from government and we cannot on a mere oral application grant a stay”. So be it. I convinced myself (as the chief justice had said) that this was a matter of personal liberty and on personal liberties, there could be no compromise. All this was in March or April 1975.

A day after the proclamation of internal Emergency of June 26, 1975, I resigned my post as additional solicitor general of India. The Supreme Court was in vacation. When the court reopened in July, the first week after the reopening, I happened to be present in the same chief justice's court, when I was witness to a case presented by the then Solicitor General Lal Narayan Sinha. The case concerned municipal councillors in the

Municipal Corporation of Bombay who had been detained under MISA (the-then current preventive detention law). There was a mayoral election in which the Congress party had nominated its candidate. If those councillors who had been detained under the preventive detention law had been permitted to exercise their franchise and vote, the Congress would have lost the mayoral election.

A writ petition was filed in the Bombay High Court on behalf of these detainees, contending that they had not lost their right to vote though detained, and they should be permitted to exercise their vote either at the detaining centre or brought under guard to the voting centre. This application — which seemed eminently reasonable — was granted by the Bombay High Court.

This was on a Monday. The decision was reported in the newspapers the next day. The following morning, the Solicitor-General of India appeared in the Supreme Court, without any papers, without even the judgment of the high court, and orally asked the judges for a stay. The same Supreme Court, the same chief justice, and to the best of my recollection, the same set of judges, orally granted a stay of the decision of the high court — which resulted ultimately in the Congress nominee for mayor being elected. So much (I then said to myself) for the court's abiding concern for personal liberty!

The lesson, then, for us lawyers is loud and clear (like the UP election results). As Learned Hand, one of America's greatest judges (who never sat on its Supreme Court) once said, “do not rely too much on the courts to save your liberties — instead rely on yourselves”. In the end, not political parties but only civil society acting in a spirit of constitutionalism can sustain and preserve our non-sectarian constitution.

The writer is a constitutional jurist and senior advocate to the Supreme Court

CAUGHT IN THE ACT

A video clip draws attention to a Shiv Sena MP's grotesque sense of entitlement, an ordinary citizen's sense of fairplay

AN 83-SECOND VIDEO clip, made public late Thursday night, captured the best and the worst of contemporary India's public life. Shot just after Ravindra Gaekwad, a Shiv Sena MP, assaulted Air India personnel on Flight AI 852 at Delhi's Indira Gandhi International Airport after an argument over seating arrangements, the clip shows an arrogant VIP refusing to listen to reason, brushing aside the prospect of legal consequences for his actions. The brunt of Gaekwad's ire was borne by R. Sukumar, a 60-year-old contractual employee who asked the legislator to de-board the flight so that it could be cleaned. Sukumar was beaten by Gaekwad and nearly thrown off the plane. As disheartening as the MP's behaviour has been, the video also shows the ordinary citizen's ability in such a moment to speak truth to power, or at least to remind the powerful of their democratic duty. In the video, the Air India stewardess can be seen trying to reason with Gaekwad. She reminds him of the consequences of attacking someone; she speaks to him of his responsibility as an elected representative; tries to point out his role as a leader and exemplar to the people that look up to him and voted him to office.

The incident is hardly the first illustration of “VIP culture”, a polite moniker for the extreme sense of entitlement that those with political and administrative power flaunt in India. In fact, Gaekwad himself was among 11 Shiv Sena MPs who force-fed a chapati to a fasting Muslim catering supervisor at the new Maharashtra Sadan in New Delhi in July, 2014, over their disappointment with the catering. This time, however, his actions were recorded on camera and made public. In the absence of enabling technology, the incident would not have received the publicity it has. The smartphone, together with the internet, is making it increasingly difficult for public figures to act with impunity behind a fortress of opacity.

There have been immediate consequences to the MP's actions — he has been prevented from flying with Air India and members of the Federation of Indian Airlines as an “exemplary action” to “protect employee morale and public safety”. That a fear of being surreptitiously recorded is required for public servants to realise that they are, in fact, of the people and not above them, speaks to the declining standards of conduct in public life.

ONCE MAGNIFICENT

The Ganga is a persona alright, but a haggard ecological entity

IN THE SECOND half of the 19th century, European jute factories in Calcutta had installed septic latrine tanks for their workforce. These tanks discharged the effluents directly into the river Hooghly. For Calcutta's Hindu population, this was not done. How could they allow the Hooghly, a distributary of the Ganga, to be defiled? Some colonial officials understood this sentiment. But many could not. What puzzled them even more was that a section of the Hindus seemed to be arguing that the disposal of sewage into the Hooghly was causing the river sorrow. While they could grudgingly accept the deification of the river, bestowing the water body with a persona was difficult to fathom. About 130 years later, the Uttarakhand High Court has ruled that the Ganga — along with the Yamuna — is indeed a person, and it has all the rights of a human being. But ironically, it has had to do so in order to protect the rivers from ravages, similar to the ones people in colonial India were railing against.

The Ganga, like all rivers, has a personality. Its annual rhythms are linked to the livelihoods of farmers, fishermen, boatmen, traders, as well as to the Hindu ritual calendar. Along with its tributaries, the river makes its own path, but replete with sand and sediment, it is also known to change course often and does not like being confined by banks. It goes into spate and, as atonement of sorts, leaves behind as soil nourishing silt. It has inspired myth, poetry, films, literature.

But while Ganga as cosmology and metaphor excites people, the river as an ecological entity is in distress. In their paper, ‘Impact of environmental aberrations on fisheries on Ganga’, M. Sinha and M.A. Khan note that the river's basin which was largely free of human activities until the 1940s became a disposal site for agricultural, industrial and sewerage wastes after Independence. The river is still a persona, but it bears little resemblance to the river whose deification confounded colonial authorities.



KHALED AHMED

OLD ARMY CHIEF Pervez Musharraf has unleashed himself again on Pakistan, from London, where, according to a TV talk show he was on, he is living in a flat bought for him by “my brother”, the late Saudi King Abdullah, apparently missing the irony of him facing a trial for treason in Pakistan. He said he was well-off because of the money he got addressing audiences in America — “\$1,50,000 per lecture”. He was lapped up by the media looking for excitement, which he provided, revealing he loved Aishwarya Rai for her “beautiful eyes”, and would like to be president of Pakistan if he returned, and a party supportive of his genius came to power.

Musharraf is clearing the decks for his triumphant return to Pakistan by re-establishing his anti-India credentials. He did this on TV by praising the boss of Jamaat-ud-Dawa, Hafiz Saeed, currently kept under wraps by Pakistan because of his global reputation as a terrorist. He said Saeed was a “strategic asset” because he “never killed inside Pakistan” but reserved his terrorism for India-administered Kashmir. He was less enthusiastic about Jaish-e-Muhammad and its leader, Masood Azhar, because Azhar nearly killed him in 2003, when Musharraf called off the jihad against India after negotiating peace with the Vajpayee government.

For all his bravado, Musharraf knew he couldn't do much about the proxy warriors attacking India: In fact, he was scared of his own “strategic assets”. Pakistan's ex-foreign secretary Riaz Mohammad Khan, in his 2011 book *Afghanistan and Pakistan: Conflict, Extremism, and Resistance to Modernity*, reports, “In 2000, I had occasion to raise the issue of support to jihadi groups with General Pervez Musharraf, then chief executive... I argued that Musharraf could not re-

MUSHARRAF VS VAJPAYEE

For Nawaz Sharif, one shows the way to hardening hostility, the other to fragile peace

alise his economic agenda for development without giving up support for jihadist groups who were spawning an environment hostile to foreign investment and economic growth. Musharraf disagreed and placed the blame for economic ills on corruption. When I persisted, he literally closed the argument with the remark that what I was suggesting could bring an end to his government”.

Former ambassador to the US, Husain Haqqani, seemed to bear this out in his latest article in the *Washington Post* (March 10): “By 2007, [President] Bush had realised that Musharraf either ‘would not or could not’ fulfill his promises in fighting terrorism”.

Reuters correspondent Myra Macdonald in her detailed 2016 book *Defeat is an Orphan: How Pakistan Lost the Great South Asian War* identified Musharraf as reckless: “After the war, he joined the Special Services Group (SSG), Pakistan's elite commandos, where he said — with a characteristic lack of self-awareness — that he was seen by his seniors as ‘an exceptional leader, but also as a bluntly outspoken, ill-disciplined officer.’”

Prime Minister Nawaz Sharif must have got out of bed on the wrong side when he appointed Musharraf army chief in 1998, ignoring the advice from the ISI: “Not suitable to become army chief since he was quick in taking action, could be easily roused; takes action without deep thought”. As noted by Macdonald, Musharraf was to deal with Atal Bihari Vajpayee, the most statesman-like of Indian prime ministers, facing a “defeated general” who had overthrown an elected government that had signed the Lahore Peace Agreement of 1999 with him. Vajpayee had gone to the Independence monument in Lahore and “accepted the existence of Pakistan”. There was wisdom in talking

peace to a defeated Musharraf after Vajpayee tested the nuclear bomb and normalised relations with the US. President Clinton, who despised Musharraf's Kargil adventure, couldn't have missed the contrast between Vajpayee and Musharraf.

Today, Prime Minister Nawaz Sharif is following the path taken by Vajpayee after the Kargil victory. He was ousted by Musharraf, saying Sharif knew the army was going to attack in Kargil. His photograph, standing behind bars, awaiting death after Musharraf's appeal against the prison sentence he received, is often shown on TV, reminding him of what he faced trying to normalise ties with India. He didn't forget Vajpayee's gesture and was ready to attend the investiture ceremony of Prime Minister Narendra Modi in 2014, while Pakistan resounded with the slogan, “Modi ka jo yaar hai, ghaddar hai!”

Musharraf faces trial in Pakistan under Article 6 of the Constitution for “abrogating the Constitution”. His presidency ended in 2008, after his order to remove the chief justice of the supreme court rebounded on him. Lawyers took to the streets, forcing him out. Five years of a Pakistan People's Party government followed, the latter not interested in punishing him; in 2013, Nawaz Sharif returned to power and pursued the treason case, till the deep state facilitated Musharraf's exit from Pakistan for “health reasons”.

It must be the memory of Vajpayee that makes Sharif stick to his soft line on India, attending the festival of Holi in Karachi with the Hindu community, even as Modi gets ready to persecute the Muslims of UP under a tough chief minister.

The writer is consulting editor, 'Newsweek Pakistan'



MARCH 25, 1977, FORTY YEARS AGO

MORARJI IS PM

MORARJI DESAI IS the new prime minister of India. He is backed by the ruling alliance of 298 members—Janata (271), the Akalis (8), Peasants and Workers Party (5), Republican Party (2) and a dozen other members — and by Congress for Democracy (CFD) with 28 seats and the Marxists with 22 seats from the outside. It was expected that the CFD, headed by Jagjivan Ram, would be part of the ruling alliance. However, it was preferred not to join the government. The contention of the CFD is that the formula of the consensus which was agreed to last night had been abandoned even before it was given a fair trial.

RIGHTING WRONGS

IN HIS FIRST public pronouncement after being sworn in as prime minister, Morarji Desai set out the aims of his administration. His main aim, he said, was to end poverty. He was hopeful of ending unemployment within 10 years. His immediate concern though would be to right all the wrongs of the Emergency.

PLEDGE AT RAJGHAT

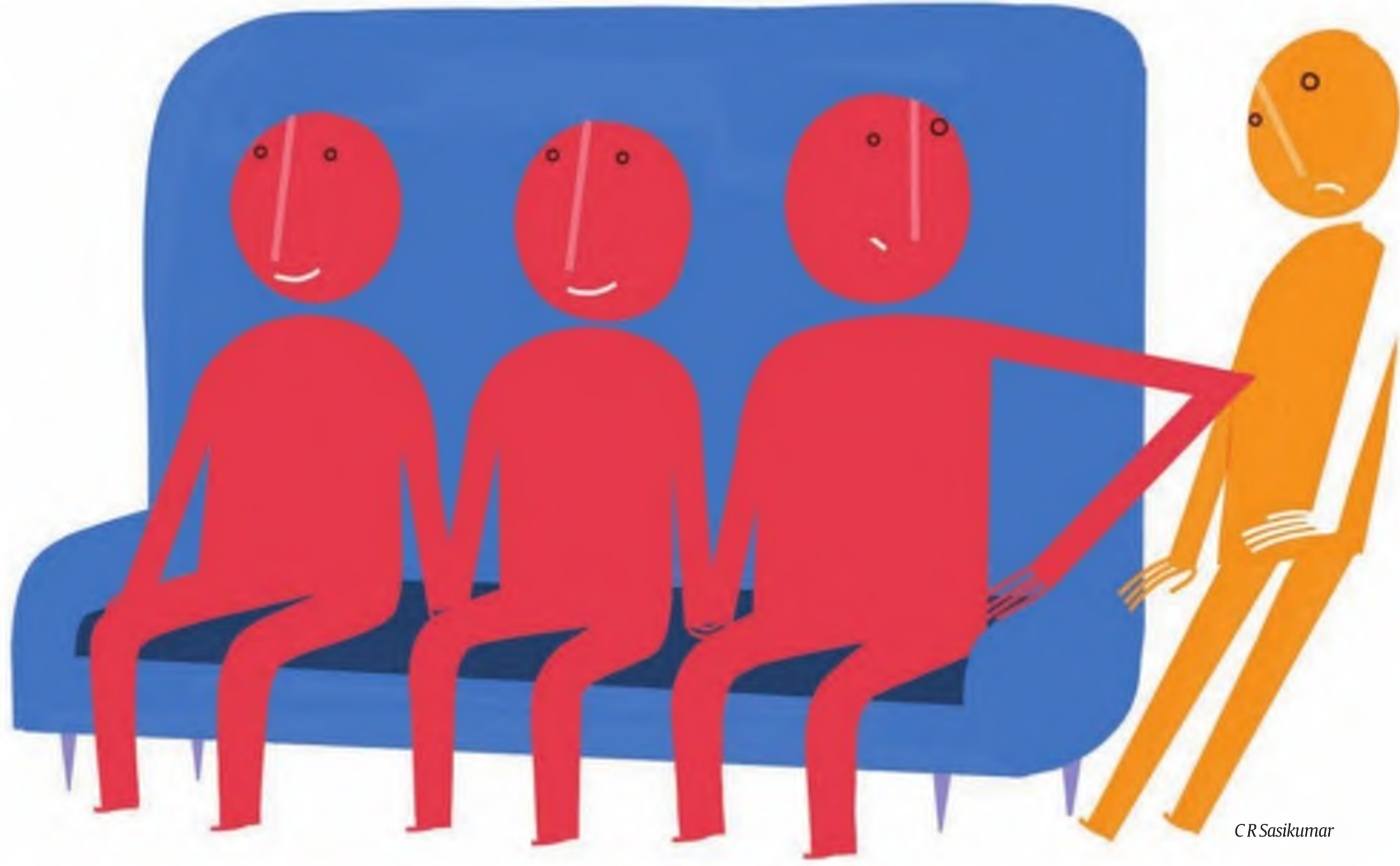
THE NEWLY ELECTED MPs to the Lok Sabha who are affiliated to the Janata Party and the CFD took a pledge this morning to uphold the “inalienable rights of life and liberty of the citizens of India” and also to live truly by

the ideas of the Father of the Nation and to “endeavour to fulfill the tasks begun by him”. The pledge was read out by Jayaprakash Narayan. The iconic leader sat in a wheelchair at the ceremony which was conducted at Rajghat in the capital.

NEW LOK SABHA

THE NEW LOK Sabha, which will have its first sitting tomorrow, will be in session until April 6. The only business will be for members to take the oath. D.N. Tiwari, MP from Bihar, has been appointed to the position of “temporary Speaker” by the acting President to preside over tomorrow's oath-taking ceremony.

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C.R. Sasikumar

Protection whose time has come

Why the Anti-Discrimination and Equality Bill 2016 must find champions in the Centre and states



TARUNABH KHAITAN

ON MARCH 10, Shashi Tharoor, MP, introduced the Anti-Discrimination and Equality Bill 2016 (ADE Bill) in the Lok Sabha. I advised him on the contents of the Bill, having spent the last three years revising numerous drafts, in discussion with activists, academics, lawyers and politicians. As a Private Member's Bill, however, this will not be enacted unless the government takes ownership of this Bill. There are at least three reasons why it should do so: The Bill's symmetric protection, its experiential understanding of discrimination as a lived reality, and its proportionate regulation of the private sector.

Let us start with the Bill's symmetry. That discrimination is rife in India is not in doubt. Women, Dalits, religious and sexual minorities, people from the North East, hijras, disabled persons and the elderly are especially at the receiving end. Almost everyone in our country has faced, or is likely to face, some form of discrimination. On the other hand, we have all also been perpetrators, sometimes consciously, but often unconsciously — by benefitting from unearned privileges that tend to accompany our dominant group status, sincerely believing in our merit, and in our innocence.

Recognising this universality in the experience and perpetration of discrimination, the ADE Bill seeks to symmetrically protect majorities as well as minorities (with exceptions for affirmative action and aggra-

vated discrimination), and does so comprehensively, along multiple grounds of discrimination. It is true that members of minority groups primarily suffer from discrimination. But, given our multiple identities, no one person is a member of the dominant group in all respects. Also, patriarchy will not end unless women as well as men are liberated from gender roles.

Furthermore, asymmetric laws are hard to pass and harder to enforce. In fact, the BJP's chief reason for frustrating the UPA government's efforts to pass the Communal Violence Bill was that it only protected minority groups; the perpetrators were assumed to belong to majority groups. Under the symmetric ADE Bill, anyone could potentially be a victim, and anyone, whether from a majority or minority group, could be a discriminator. The right wing has long complained that the left wing is selective about the victims it seeks to protect; whatever may be the truth of that allegation, here is one Bill that is genuinely universalist in its aspiration.

Secondly, the ADE Bill understands discrimination as it is experienced by its victims, and is sensitive both to the evolving nature of this social phenomenon and its particular character in the Indian context. Of course, the Bill prohibits overt prejudice or stereotyping as direct discrimination. But it also recognises that sometimes, one can discriminate indirectly by doing something that disproportionately impacts a group (say, a minimum height requirement that is unnecessary for satisfactorily performing a given job, and disproportionately excludes women since they tend to be shorter than men). It treats harassment, bullying, segregation, boycott, violence and victimisation as the various guises that discrimination can take. By focussing on the experience of the victim, rather than the intention of the discriminator, the Bill understands that power is self-aggrandising and dynamic, with the ability to

Women, Dalits, religious and sexual minorities, people from the North East, hijras, disabled persons, the elderly are especially at the receiving end of discrimination. Almost everyone in our country has faced, or is likely to face, some form of discrimination. On the other hand, we have all also been perpetrators, often unconsciously — by benefitting from unearned privileges that tend to accompany our dominant group status, sincerely believing in our merit, and in our innocence.

adopt ever subtler forms, and even deny its own existence in order to perpetuate itself.

Finally, in prohibiting discrimination in public as well as private sectors (especially employers, landlords, retailers and service-providers), the ADE Bill recognises that decades of affirmative action in the public sector, while necessary, is insufficient to tackle discrimination. It also imposes diversification duties, while ensuring that private businesses can discharge their social obligations with minimal regulatory burdens. Marking a break from past laws that criminalised discrimination, the focus of the ADE Bill is to create a civil liability to protect and compensate the victim, rather than to punish the discriminator. Criminalisation — which requires a very high burden of proof — probably contributed to the under-enforcement of existing laws. The "lighter touch" approach of the ADE Bill is complemented by a dedicated, efficient and independent enforcement mechanism. It therefore strikes a proportionate balance between competing demands.

As it seeks to realise B.R. Ambedkar's vision of an India free from discrimination, the ADE Bill also honours a less-celebrated (and increasingly rare) dimension of his democratic politics: A principled pragmatism that preferred an imperfect solution accepted (albeit grudgingly) by many, to a perfect one championed by the few.

For all these reasons, the central government should have the Bill sent to a parliamentary standing committee for wider public consultation and scrutiny and prepare for its enactment. If it fails, a pioneering state government or two should take the lead in championing the idea instead.

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S. IRFAN HABIB

Bhagat Singh and us

His ideas on nationalism, reason, religion and politics are relevant today

BHAGAT SINGH, ICONIC revolutionary and thinker, was martyred on March 23, 1931. He evokes unbounded respect and emotion all over India. Most of us, of course, revere him as a nationalist — a true but incomplete description. Bhagat Singh was indeed a nationalist par excellence, but what was the nationalism he espoused? He left behind a huge corpus of writing which can help us to comprehend his vision. This is particularly necessary in the current context, where nationalism is touted as an all-encompassing ideology. This unbridled nationalism features religion as a pivot, often using majoritarianism and nationalism interchangeably.

To Bhagat Singh, religion was irrelevant. He shared Dr B.R. Ambedkar's vision who once said that, "I do not want that our loyalty as Indians should be in the slightest way affected by any competitive loyalty, whether that loyalty arises out of our religion, out of our culture or out of our language. I want all people to be Indians first, Indians last and nothing else but Indians." Bhagat Singh stood for an inclusive nationalism, not just politically, but socially and economically as well.

He matured as a political thinker while in prison during the two years before he was hanged. His prison diary clearly reveals the

trajectory of his political evolution. It brings into light his reading habits and the wide range of authors, including Marx, Engels, Russell, T. Paine, Lenin, William Wordsworth, Tennyson, Tagore, Trotsky, among others.

He wrote a classic essay called 'Why I am an Atheist', while in prison, which was surreptitiously sent out and then published in *The People* on September 27, 1930. This essay was not only about his engagement with the idea of God, but also underlined his vision of India. In a country where a majority of the ideologues of nationalism — as reflected in its current usage as well — used one religion or the other to buttress their ideas, Bhagat Singh illustrated that religion was not necessarily an imperative for being a nationalist. As he explains in the essay, Singh began as a believer, who regularly chanted the *Gayatri Mantra*, but he gradually realised the futility of religion. And he did so quite early in his life. In the essay, he proclaims: "My atheism is not of recent origin. I had stopped believing in God when I was an obscure young man".

Bhagat Singh's commitment to rationalism and critical thinking is also crucial in present times. He was not for blind flag-waving. His nationalism was embedded in

the idea of progress where there is scope for criticism, disbelief and the capacity to question the old faith. He was uncompromising when he said, "mere faith and blind faith is dangerous: It dulls the brain and makes a man reactionary. A man who claims to be a realist has to challenge the whole of the ancient faith. If it does not stand the onslaught of reason, it crumbles down." Silencing rationalists or defending obnoxious religious practices can't be nationalism.

Bhagat Singh, in 'Why I am an Atheist', also questions those who found any criticism of leaders like Mahatma Gandhi blasphemous. He perceived this hero worship as symptomatic of an unhealthy, regressive politics: "Go and oppose the prevailing faith, you go and criticise a hero, who is generally believed to be above criticism because he is thought to be infallible, the strength of your argument shall force the multitude to deny you. This is due to mental stagnation." He goes on to say that, "Criticism and independent thinking are the two indispensable qualities of a revolutionary". There cannot be, therefore, an uncritical exaltation of either religion, culture, leader or anything else in the name of the nation.

Just a year before Bhagat Singh was arrested, he wrote some insightful pieces in

May-June 1928. In one of them, he was critical of the press, and also spoke about his idea of nationalism, saying, "the real duty of the newspapers is to educate, to cleanse the minds of people, to save them from narrow sectarian divisiveness, and to eradicate communal feelings to promote the idea of common nationalism. Instead, their main objective seems to be spreading ignorance, preaching and propagating sectarianism and chauvinism, communalising people's minds leading to the destruction of our composite culture and shared heritage".

He also warned against dragging religion into politics and gave an example of the early Ghadar revolutionaries who kept religion in the realm of personal faith and so worked together, espousing a composite nationalism.

Our born-again nationalists today often use the past to subvert the present. They love the medieval past the most, and for obvious reasons. I wish they cared to read more about the recent past and the freedom struggle to make some sense of their favourite obsession.

Habib is a historian and author of 'To Make the Deaf Hear: Ideology and Programme of Bhagat Singh and his Comrades'

WHAT THE OTHERS SAY

"India and Pakistan need to realise that their water issues stand above other disputes; and they must find a way forward accordingly." —DAWN

The war over values

Western tensions about migration show deep anxiety about core beliefs, including democracy



KANCHA ILAIAH SHEPHERD

A SIMULTANEOUS PROCESS of de-globalisation and a "re-moralisation" of Western democratic nations seems to be occurring. It started with a demand in Britain that its nationhood should not be tied to the European Union and England as a nation had to be reasserted. The process of globalisation took a new turn with the formation of the EU, beginning a common currency among many nations, which had their own independent currencies earlier. Though Britain retained its currency, a majority of Britons voted in 2016 for Brexit. But that is only one aspect of the de-globalisation and re-moralisation process.

The US election of 2016 reflected a new "moral nationalist" sentiment rallying around Donald Trump. His inner team worked out a "spiritual, moral, nationalist" agenda by invoking Christian values. In their view, core Christian values, on which their constitutional democracy is based, got shaken by massive global migrations into the US, during the administrations of Bill Clinton, George Bush Jr and Barack Obama. Asians and others migrating to Euro-America, bringing their socio-spiritual values, is seen as "Orientalising" the West. US Vice-President Michael Richard Pence seems to be heading this moral, nationalist ideological force in the Trump team.

In Britain, the migration of Asians and East Europeans seems to have posed an ethical crisis. There has been a growing feeling among Anglican Church-goers that globalisation has increased multi-religious tensions in Britain; they saw, along with decreasing church attendance among the British, an increase in racial, caste and cultural conflicts. It thus appears that the British Protestant church played its own role in mobilising votes for Brexit in rural areas.

In America, multiculturalism has grown quite rapidly in the last 25 years. While Left liberals saw this as a positive transformation, the evangelical church saw the increase of Islamic, Hindu and Buddhist institutions as dangerous to their Christian ethic. At the level of perception, church-going and non-church-going whites differ on the foundational ethic of their democracy: For the infrequently church-going Left liberal, multicultural pluralism is to be cherished. But for the conservative evangelicals (most are Republicans), the expansion of Islamic, Hindu and Buddhist social forces and religious institutions pose a long-term threat to their values. Perhaps, they view this as the most negative impact of immigration, which has accompanied globalisation. The recent attacks on Asians in America seem to be part of that moral nationalism.

Significantly, in this worldview, Islam, Hinduism and Buddhism are seen as illiberal, non-modernist, male chauvinist-dom-

inated religions. The American Christian ethic is seen as more democratic and gender-equal. Hence, conservative women also supported the Trump-Pence team.

This kind of moral nationalism is under-way in the West because Eastern "illiberal" values are perceived to be taking root in Euro-American nations. Post-Cold War globalisation has, in a way, initiated reverse migration of not only people but also their socio-spiritual cultures. What was sought to be economic global free trade also became a free institutionalisation of Oriental religious values — in the West. Trump gets his main support from those conservative Christians who are opposing this reverse cultural globalisation.

In their discourse, American and British conservatives seem to opine that this process could erode the moral base of their Christian, liberal nationalism. The notion of nationalism and its institutionalisation in the modern capitalist phase is said to have its roots in Biblical discourse. Though they recognise the Quran, the Bhagavad Gita and other texts as basic religious scriptures of the East, these are not seen as protectors of democracy. Even conservative Christians believe that democratic thought developed from a Christian notion of God creating all human beings as equal, with compassion.

Though Trump himself appears to be going against Christian values of compassion, his ideological team seems to think that they should stop the reverse migration of values, even though it might harm their economic development in some sectors.

America has experienced the foregrounding of moral nationalism during the times of Abraham Lincoln, Martin Luther King Jr. and John F. Kennedy. However, the present phase, of moral nationalism with de-globalisation, may encounter problems. This phase of globalisation started during the times of Margaret Thatcher and Ronald Reagan, both conservatives, with a view of expanding economic trade across the world. Within 25 years, globalisation touched the ruling elite of the world; their luxuries increased several fold. Though there are social conservatives among these global rich, economic opportunities outweigh social concerns they may have.

But alongside, the tragedy of the East is that, except the monarchical model which includes oligarchies, these nations did not evolve any notion of administration. Both democracy and the socialist model evolved in the Western Christian ethic. Buddhist, Islamic and Hindu spiritual systems did not evolve their own post-monarchy models. Even the notion of nationalism is Western.

The evolution of Western political thought changed the world. Today, the fear of the non-Left liberal Western conservative thinker is that an over-representation of Eastern spiritual and social cultures may endanger the very notion of democracy in the West. How does the East negotiate with these new socio-political tensions? Not just the Islamic world, today, the whole Eastern world must rethink globalisation and dependence on the West.

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LETTER TO THE EDITOR

KRISHNA'S FOLLY

THIS REFERS TO the news report, 'S. M. Krishna joins BJP' (IE, March 23). Former foreign minister and ex-chief minister of Karnataka, S. M. Krishna, has accused the Congress party of ignoring age and experience. But what future does Krishna have in the BJP, where stalwarts like L. K. Advani, M. M. Joshi, Yashwant Sinha and many more have been sidelined after the victory of Narendra Modi?

Anand Pal Singh Rawat, Dehradun

COMPLEX ISSUES

THIS REFERS TO the article, 'The Manipur opportunity' (IE, March 24). The author argued that BJP ministries in three states of the north-east affords an opportunity to solve the Naga problem. But such sensitive issues linked to identities and livelihoods are not easy to solve. There has been a BJP government in Haryana for the last two years and the BJP was a partner in the Punjab government till recently. But the Satluj-Yamuna dispute has still not been resolved.

Suchak D. Patel, Ahmedabad

WRONG AGENCY

THIS REFERS TO the editorial, 'Obscene' (IE, March 24). The very moniker 'Anti-Romeo Squad' is in poor taste. The police are not supposed to mete out justice. But the UP police is handing out justice to the majority for the actions of a few. The under-staffed, over-worked police personnel face the ire of the public for the existing law and order situation. There is a need for immediate reforms to make the police an effective agency. But they are being saddled with

LETTER OF THE WEEK

MOVE ON, IROM

THIS REFERS TO the article, 'Memo to Rahul Gandhi' (IE, March 19) and the cartoon featuring Irom Sharmila just above it. This compelled me to think that maybe somebody needs to write a letter to Irom Sharmila, asking her to quit politics and move on — although for entirely different reasons as Rahul. Irom is the superhero we need, but do not deserve. Decades of fasting and depriving herself couldn't even land her 100 votes. If people did not realise her worth, she owes them nothing.

Sanchari Das, Delhi

responsibilities such as those of the Anti-Romeo squads, while their services are required elsewhere.

Vipul Dassani, Noida

MIND IT

THIS REFERS TO the editorial, 'Dark corners' (IE, March 24). The growing popularity of videos depicting violent and inhumane acts of crime must be viewed from a psychological viewpoint as well. The people involved in such cases may have psychological issues and there could be a high possibility of them repeating such crimes.

Abhishek Mishra, via e-mail