



## Lokpal and the law

The ruling that the existing legislation is workable is an indictment of the government

The Centre's obvious reluctance to set up a statutory anti-corruption institution stands completely exposed after the Supreme Court made it clear that the existing Lokpal and Lokayuktas Act, 2013 is workable on its own, without having to be amended as proposed by the government. The court's order that the law, notified in 2014, is good to go is an indictment of the delay in establishing the Lokpal. It is a rejection of the attempt to explain the delay on the ground that a parliamentary standing committee's report on proposed amendments is still under consideration. The government was on weak legal footing when it claimed it was awaiting the passage of these amendments, mainly of one that related to the leader of the largest party in opposition in the Lok Sabha being considered as the Leader of the Opposition for the purposes of forming the Selection Committee to choose the Lokpal. The selection panel consists of the Prime Minister, the Speaker of the Lok Sabha, Leader of the Opposition, the Chief Justice of India or his nominee, and an eminent jurist chosen by them. The court has noted that the Act provides for the selection committee to make appointments even when it is truncated due to a vacancy. It has made it clear that the fact that some amendments have been proposed and a parliamentary panel has submitted a report would not constitute a legal bar on enforcing the existing law.

The court has rightly refused to read down the provision on the Leader of the Opposition to mean "the leader of the largest party in the opposition". At the same time, it is curious that an amendment to this effect is pending since 2014, even after it was endorsed by the parliamentary committee in its December 2015 report. Provisions relating to the selection of the Chief Information Commissioner and the Central Bureau of Investigation Director have been amended to treat the leader of the largest opposition party as the Leader of the Opposition in the absence of anyone recognised as such. The delay in passing this simple amendment is inexplicable. Another provision relating to the declaration of assets by public servants was amended last year. A simple way of resolving the impasse was to recognise the Congress party leader in the Lok Sabha as the Leader of the Opposition. There is no law, except a direction from the chair when G.V. Mavalankar was Speaker, that says recognition is given only to a party that has won 10% of the seats in the Lower House. A 1977 Act on the salary of the Opposition Leader defines the position as the leader of the largest party in the opposition and recognised as such by the Speaker. An inescapable inference is that the country does not have an anti-corruption ombudsman not due to any legal bar, but due to the absence of political will.

## Equity in taxes

Rich farmers need to be treated on a par with other taxpayers, but with a clear road map

A controversial proposal by Bibek Debroy, a member of the government think tank NITI Aayog, to tax agricultural income above a particular threshold has led to a public exchange of views. Finance Minister Arun Jaitley quickly dismissed any plans to tax farm income, but more policymakers have begun to voice their opinion, the latest being Chief Economic Adviser Arvind Subramanian who made it clear that taxing farm income is a State subject. The public image of farming being a poor man's venture and the sizeable vote share that farmers enjoy have made the idea of farm taxes a political taboo. The frequent distress faced by poor or marginal farmers, which could be attributed to structural issues other than taxation, hasn't helped matters either. But India has a presence of rich farmers as well and there exists as a strong justification for taxing them in order to widen the country's embarrassingly narrow tax base. Mr. Debroy suggested that an appropriate tax policy should draw a distinction between rich and poor farmers, thereby addressing the widespread political apprehension of bringing agriculture under the tax net. It is no secret that India's tax base, standing at a minuscule 5.9% of the working population, is already among the lowest in the world. This unnecessarily burdens the more formal sectors of the economy that are already overtaxed; at the same time, it handicaps government spending on the social sector.

The case for treating agriculture on a par with other sectors is thus clear. But policymakers must also show equal care and urgency in addressing the structural issues facing the sector. This includes, among many, reforms to the broken agricultural supply chain that still leaves farmers at the mercy of middlemen cartels. Such reforms are crucial if farming is to become a sustainable enterprise in the long run. Else, a tax on high-income farmers will result only in driving resources away from agriculture into other sectors. It would make no difference to poorer farmers stuck in agriculture, merely because of the lack of opportunities. In this context, the historical transition of labour and other resources from agriculture into other sectors is particularly useful to keep in mind. The said transition has been very slow in India; in fact, according to Census figures, the size of the farm workforce increased by 28.9 million between 2001 and 2011. This is due to a combination of factors, but one in particular is worth noting: the difficulty agricultural workers face in finding jobs in other more advanced sectors. A tax on lucrative high value farm ventures, which affects their ability to absorb labourers from low-value farming, could make life more difficult for farmers unable to make the cut in industry or services. Given this, policymakers ought to tread carefully as they move forward on a long overdue fiscal reform.

# Being pragmatic with Pyongyang

The U.S. must realise that neither more sanctions nor military strikes are viable options to rein in North Korea



RAKESH SOOD

Rhetoric and political signalling is an accepted element of crisis management provided the messages are clearly understood by those for whom these are intended. If not, it becomes a source of misunderstanding and a recipe for unintended miscalculation and potential disaster. Nowhere is this more evident than in recent exchanges between the U.S. and the Democratic People's Republic of Korea (DPRK) where events threaten to spin out of control.

### Trump's mixed signals

In an interview to Reuters last week, U.S. President Donald Trump, while describing it as his "biggest challenge", cautioned: "There is a chance that we could end up having a major major conflict with North Korea. Absolutely." Earlier in April, amid reports that North Korea might be planning another nuclear test to coincide with the 105th birth anniversary of long-time leader Kim Il Sung, Mr. Trump had announced that "an armada, very powerful" was headed towards the Korean peninsula. After a week it emerged that the USS Carl Vinson aircraft carrier was actually on its way to Western Australia, on account of a lack of clarity in communications. This now stands corrected. Meanwhile, a nuclear submarine, USS Michigan, has surfaced in Korean waters.

In turn, the DPRK threatened a "super mighty pre-emptive strike". After undertaking a live firing exercise off its east coast, it followed up with another test-firing of a ballistic missile on April 29 which fizzled, causing loss of face.

During the campaign, Mr. Trump had said that he would be willing to talk to North Korean leader Kim Jong-un, making it clear



that Barack Obama's policy focusing on tighter sanctions was a failure. After assuming office, he adopted a harder line, declaring that he would do "whatever is necessary" to prevent North Korea from developing a nuclear-capable missile that can reach the U.S.

In the Reuters interview, however, he reflected unusual empathy when asked about Kim Jong-un: "He is 27 years old [in 2011 when he took over]. His father dies, took over a regime. So say what you want but that is not easy, especially at that age."

In an interview to NPR last week, U.S. Secretary of State Rex Tillerson said that while the North Korean leader may be ruthless, "he is not crazy". He held out prospects of engaging in direct talks but was unwilling to engage in "negotiations about negotiations". The U.S. has not held bilateral talks with North Korea since the Bill Clinton presidency. So clearly, there is no dearth of signalling but the question is, what is the 33-year-old Kim Jong-un expected to make of it?

### Need for policy consistency

Regime acceptance and regime survival have been key priorities for Pyongyang since the collapse of the Soviet Union. A positive move in 1992 was the withdrawal of tactical nuclear weapons from the Korean peninsula and a suspension of Team Spirit, the joint U.S.-South Korean military exercises, leading to the Basic Agreement on

Reconciliation, Non-Aggression, and Exchanges and Cooperation. When joint exercises were resumed in 1993, North Korea announced its decision to withdraw from the Nuclear Non-Proliferation Treaty (NPT). The ensuing crisis led to talks and a year later, an Agreed Framework was concluded under which North Korea suspended its decision to withdraw from the NPT, agreed to freeze its nuclear activities, and in return, the U.S. pledged to build two light water nuclear power reactors. Food aid and humanitarian assistance provided by the Clinton administration from 1995 till 2000 was close to \$750 million.

The Bush administration declared North Korea part of the 'axis of evil' in 2002, cancelled direct talks and annulled the 1994 agreement. North Korea responded by throwing out International Atomic Energy Agency inspectors and formally quit the NPT thereby provoking a fresh crisis. China and Russia initiated Six Party Talks in 2004 which led to the 2005 joint statement which expanded the scope to more than the nuclear issue. However, the talks collapsed when the U.S. imposed sanctions a few months later; North Korea responded with its first nuclear test in 2006.

Since then, North Korea has made steady progress in its nuclear and missile programmes. An underground nuclear facility has been built at Mt. Musan. Nuclear tests were conducted in 2013 and

twice last year, and it is estimated that North Korea has enough fissile material for 10 to 15 nuclear devices. By 2019, North Korea will be able to develop long-range missiles that can reach the U.S. mainland. Given Mr. Trump's redline, Mr. Jong-un is convinced that nuclear capability is the ultimate security guarantee to protect his regime against U.S. intervention.

U.S. policy has oscillated between sanctions in response to nuclear and missile tests, dilution of sanctions by China, talks about closer defence ties with Japan and South Korea, citing of additional threats by North Korea and more testing, thus repeating the cycle. U.S. expectations that sanctions would lead to regime collapse were misplaced because given China's stakes, this will not happen.

### Will China nudge?

Recently China has registered a policy shift reflecting unhappiness about Mr. Jong-un's behaviour, particularly the high-profile executions of those considered to be close to China. The most recent was the assassination of Kim Jong-nam, Mr. Jong-un's half brother, in February, which prompted China to halting coal briquette imports from North Korea. Air China stopped direct flights to Pyongyang last month but these are now being reinstated. North Korea has accused China of "dancing to the tune of the U.S.". However, China can neither permit a regime collapse which would create instability nor allow its communist ally to be subsumed into a unified Korea.

Mr. Trump is trying to persuade China to exert greater leverage by praising its President, Xi Jinping, as "a good man" who is "trying hard". After the latest missile test, Mr. Trump tweeted, "North Korea disrespected the wishes of China & its highly respected President when it launched, though unsuccessfully, a missile today. Bad!" Mr. Xi is unlikely to be persuaded. At the UN Security Council meeting on April 28, Foreign Minister Wang Yi reaffirmed support for a denuclearised Korean peninsula and previous Se-

curity Council resolutions but did not support additional punitive measures. Instead, he again suggested that the U.S. and South Korea could suspend their military exercises.

More than North Korean tests, China is worried about the possibility of an unpredictable Trump initiating unilateral action which could create an escalatory spiral. Another concern is the U.S. decision to accelerate deployment of the THAAD (Terminal High Altitude Area Defence) system in South Korea though it is hopeful that a moderate President gets elected in the May 9 election in South Korea and reverses the THAAD decision.

### The way forward

Mr. Xi's objective is to persuade Mr. Trump that neither more sanctions nor military strikes are viable options; the only option is 'dialogue'. Second, while denuclearisation of the Korean peninsula can be a long-term objective, for the foreseeable future, Mr. Jong-un is not going to give up North Korea's nuclear and missile capabilities. At most, he can agree to a freeze on its programmes – no further tests, no exports or transfers and no threats. In return, the U.S. will need to provide assurances relating to regime acceptance and a gradual normalisation of relations. A moderate leader in Seoul will help the process of a sustained dialogue which also needs coordination with Japan.

Mr. Jong-un's stakes are existential and, having seen Western interventions in Iraq and Libya and Russian intervention in Ukraine, he is determined to retain his nuclear capabilities till the end of what will be a long and delicate negotiating process, a process which could all too easily be derailed by confusing rhetoric and mixed signalling that has escalated tensions.

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# Guided by the Constitution

On his 25th death anniversary, revisiting some of Justice K.K. Mathew's opinions



FALI S. NARIMAN

A collection of addresses by Justice K.K. Mathew along with excerpts from his judicial opinions, published in 1978 under the title *Democracy, Equality and Freedom*, became the first work of its kind in Indian legal literature. Regrettably, it was also the last! The hope expressed by its editor, Prof. Upendra Baxi, that it would be the precursor of similar literary ventures in the future remained unfulfilled.

### Making a mark

In a practical sense, the book, *Democracy, Equality and Freedom*, published by the Eastern Book Company – with a foreword by Justice Y.V. Chandrachud, Chief Justice of India – is why Justice K.K. Mathew is still remembered, 40 years after he stopped sitting in India's Supreme Court. But for the illuminating and exhaustive 86-page introduction expounding the judi-

cial creativity and craftsmanship of the judge, K.K. Mathew would have been just one judge out of a roll-call of 186 judges who had sat in India's Supreme Court. Prof. Baxi has been moved to say that Justice Mathew's minority opinion in *Kesavananda Bharati* (one out of several in a Bench decision of 13 judges) "ensures him the fame of being the Cardozo of India".

The reason for Prof. Baxi's spontaneous remark is Justice Mathew's masterly use of contemporary jurisprudential thinking when attempting to resolve the "fundamental puzzle" of India's Constitution. His opinion in *Kesavananda Bharati* is a mini-treatise on the use of jurisprudence in judicial lawmaking. Justice Mathew approached the question of amendment of the Constitution as a constitutionalist, expounding a written document of governance. He refused to accept that the makers of the Constitution ever intended that Fundamental Rights should be subservient to Directive Principles of State Policy; rather (he said) they visualised a society where rights in Part IV and aspirations in Part IV would co-exist in harmony – "A succeeding generation might view the relative importance of the Fundamental Rights and



Directive Principles in a different light or from a different perspective. The value judgment of the succeeding generations as regards the relative weight and importance of these rights and aspirations might be entirely different from that of the makers of the Constitution. And it is no answer to say that the relative priority value of the Directive Principle over Fundamental Rights was not apprehended, or even if apprehended was not given effect to when the Constitution was framed, or to insist that what the Directive Principles meant to the vision of that day it must mean to the vision of our time."

Justice Mathew concluded that the only limitation to the amending power in the Constitution was that the Constitution could not be re-

pealed or abrogated in the exercise of the power of amendment without substituting a mechanism by which the state was constituted and organised – "that limitation flows from the language of the Article (Article 368) itself. I don't think there were or are any implied inherent limitations upon the power of Parliament under the Article."

### Another fine moment

But whatever be the contribution of Justice Mathew to the great Fundamental Rights case, the more important – the more seminal – decision of his was in the immediately succeeding case (*Indira Gandhi v. Raj Narain*: 1975 Suppl. SCC); his opinion in this case illustrated what a strict self-disciplinarian the judge was. Like other dissentients in *Kesavananda Bharati* (Ray, Beg, and Chandrachud), Justice Mathew was able to overcome the initial intellectual difficulty of reconciling his reasoning in that case with the compelling need to hold that Article 329A (challenged in *Indira Gandhi v. Raj Narain*) was constitutionally impermissible. Unlike Chief Justice Ray, he did not say (*Indira Gandhi v. Raj Narain*) that *Kesavananda Bharati* did not decide that there were any implied limitations (arising out

of the doctrine of basic structure) to the amending power of Parliament. In fact he straightforwardly conceded (as did Justice Chandrachud) that there was a seven-judge majority (in a Bench of 13 judges) for the proposition that "the power conferred under Article 368... was not absolute." Having done so, in conformity with the basic norm of judicial discipline, he then proceeded to identify democracy as an aspect of the basic structure doctrine.

Article 329A as enacted had removed past, present and future operations of the Representation of the People Act, 1951, to election disputes affecting the Prime Minister and Speaker, and despite the absence of any applicable law it had (in effect) adjudicated the election dispute between Raj Narain and Indira Gandhi. In so doing, the amending body neither "ascertained the facts of the case" nor "applied any norms for determining the validity of the election", and hence this was (according to Justice Mathew) plainly an exercise of "despotic power" damaging the democratic structure of the Constitution.

Fali S. Nariman is an eminent lawyer, constitutional jurist and a former nominated Member of the Rajya Sabha

## LETTERS TO THE EDITOR

Letters emailed to letters@thehindu.co.in must carry the full postal address and the full name or the name with initials.

### Matching results

It is a pity that almost all political parties have contrasting opinions on the reliability of electronic voting machines – immediately suspecting them when they stumble in elections and showering them with praise when they win.

Having given room to the "apprehensions" of a number of political parties, the Election Commission of India has now caused unnecessary confusion in its overreaction ("EC may change recounting rules", May 1). Whether one agrees or not, automation or technology does help improve efficiency and overcome large-scale instances of fraud. We haven't abandoned the use of motor vehicles despite the risks of road accidents. We try to observe safety measures instead.

KSHIRASAGARA BALAJI RAO, Hyderabad

### A fresh mandate?

Having managed to cobble a majority on its own in the Lok Sabha and with a buffer to fall back upon – in the form of seats secured by its allies – the BJP has no reason to go in for a snap midterm poll ("Venkaiah rules out mid-term elections", May 1). The Modi government has got into its stride and been able to ward off the Opposition despite drastic measures such as demonetisation. It has been able to raise its stock considerably with a thumping win in Uttar Pradesh and has made mincemeat of both the Aam Aadmi Party and the Congress in the Delhi municipal polls. The Opposition parties are in disarray with the Modi wave showing no signs of ebbing. The prevailing situation hardly warrants a fresh mandate before time.

C.V. ARAVIND, Bengaluru

### Simultaneous elections

The idea of having simultaneous Lok Sabha and State elections is undemocratic and a denial of our opportunity to make a midterm rating of governments. Calls for and talk about favouring such a change of system now stem from a ploy aimed at reaping huge political advantages across the country over any single emotive and sensitive issue that can momentarily influence the electorate. And India is a country that has such emotive issues aplenty. The present system of separate time periods for State and general elections, though cumbersome, has ensured that the people use the State elections as a referendum to judge the performance of a government. The backers of simultaneous elections seem to want to avoid that. Besides, the huge expenditure in holding

simultaneous elections, the deployment of security personnel deployment too will be under immense pressure. The country will be left without valid and responsible administration both at the Central and State level because all of them will be under the Model Code of Conduct. It is imperative that people see through such political games and prevent the usurping of our democratic rights to choose and judge those we elect.

K.C. MENON, Cherayyil, Kochi

### Trump on Paris pact

U.S. President Donald Trump's statement on China, Russia and India "having contributed nothing under Paris Agreement" is like the pot calling the kettle black. It does not behove a country such as the United States to say such things as it is one of the largest carbon emitters

in the world and will continue to be so. It is for the U.S. to bear the cost of correcting the course of climate change as it is a world leader. It needs to lead by example.

DINESH KUMAR, Beri, Jhajjar, Haryana

### BBC Thamizhosai

It is saddening to read about the closure of the Thamizhosai BBC Tamil Radio service (Tamil Nadu, "After 76 years, BBC Tamil radio to go off air", May 1). During the India-Pakistan wars of 1965 and 1971, BBC Tamil was neutral and extensive in its coverage even though BBC was biased

against India. During the 1967 general election, when the Indian National Congress's popularity declined considerably, BBC was again objective. I recollect programmes such as "Paattondru Ketten". Whenever an important event took place in India or Tamil Nadu, BBC Tamil was among the first to contact VIPs and air their opinions. The station also played a crucial role in presenting the ground reality in Sri Lanka by interviewing Sri Lankan Tamil politicians.

SUKUMAR TALPADY, Kottara, Mangaluru

MORE LETTERS ONLINE: www.hindu.com/opinion/letters/

**CORRECTIONS & CLARIFICATIONS:** The scoreboard accompanying "Dominant Kings steamroller Daredevils" (Sport, May 1, 2017) erroneously gave the fall of Mohammed Shami's wicket as 9 for 69. It should have been 9 for 67.

It is the policy of The Hindu to correct significant errors as soon as possible. Please specify the edition (place of publication), date and page. The Readers' Editor's office can be contacted by Telephone: +91-44-28418297/28576300 (11 a.m. to 5 p.m., Monday to Friday); Fax: +91-44-28552963; E-mail: readerseditor@thehindu.co.in; Mail: Readers' Editor, The Hindu, Kasturji Buildings, 859 & 860 Anna Salai, Chennai 600 002, India. All communication must carry the full postal address and telephone number. No personal visits. The Terms of Reference for the Readers' Editor are on www.thehindu.com

# The national in the municipal

How the U.P. State and Delhi municipal elections became a hyphenated battle for the BJP



SHIV VISVANATHAN

Democracy has its paradoxes and ironies, built as a system of differences. Its institutions are supposed to allow for dissent and for diversity. However, electoral democracy can, at times, set up the basis for tyrannical rule. A majoritarian democracy can become a megalomania of numbers. The Bharatiya Janata Party (BJP) today is a party that believes in a majoritarian democracy in search of absolute control. It is not a question of passing a few laws, it is a plan for a deeper cultural control. We can sense it while having a look at the electoral map, the saffronisation of India coming across as a visual epidemic. As the electoral dots multiply, one colour dominates the electoral universe. This saffronisation is literally a project for total cultural control.

A party in search of such totalities does not look kindly at alternatives or at competing realities. The earlier picture we had of democracy, in the Congress era, was a more affable one. As we moved from the national to the regional or local levels, the control of national parties would weaken and dissent built around local issues would create a smattering of oppositional entities. Such parties, with their tiny pockets of representation, were seen as adding to the pluralism of democracy. They were seen as necessary at the local level because they focussed on specific issues. They usually aligned themselves with larger forces at the national level while amplifying the voices of ethnicity, locality and language. Democracy did not see them as parochial creations but as a part of the politics of scale.

## Towards more intolerance

As we moved from the macro to the micro, diversity was supposed to multiply. Such local diversity was seen as a healthy sign, a way of accommodating variation and plurality at a local level. Two examples of this would testify to this. The Dravida Munnetra Kazhagam (DMK), which was a local party, could be almost secessionist in terms of language and still be listened to with tolerance. Laldenga, once seen as an



**Local trump card:** As Yogi Adityanath entered the phase of governmentality, Amit Shah had to invent a 'junior Adityanath'. He did just that by appointing Manoj Tiwari to head the Delhi campaign. \*SANDEEP SAXENA

insurgent, was equally at home as Chief Minister of Mizoram in the 1980s. Such was the tolerance the Indian polity displayed.

A totalising party such as the BJP has no such affable theory of diversity. In fact, it sees difference as a sign of absence, of a failure to infiltrate an area. Difference is immediately identified as disturbance, sedition, dissent and a challenge to the party's plan for an absolute majority. Opposition in any form is threatening. When BJP president Amit Shah looks at a map of India and sees differently coloured dots, I think he sees red, literally, wondering why these regions are not saffron.

There is a second dynamic here that we must understand. Small parties often tend to have large egos, and larger aspirations. The emergence of the Aam Aadmi Party (AAP) was a perfect example. After winning a resounding victory in Delhi, it visualised new and victorious constituencies in States like Goa and Punjab, apart from imagining itself as an alternative to the BJP across the 'Hindi Belt'. Smallness always allows for hubris and the AAP, on the basis of its Delhi victories, was already branding itself as a national party.

For a while, the AAP did warn the imagination of middle-class India. It offered not only a more 'grass-roots-oriented' theory of politics but also a different style, emphasising a range

of experiments in governance. Its attempts to reform school admissions and its efforts to raise the question of environmental pollution met with an almost euphoric response. It suddenly appeared like a model for a future India. In its own tiny, Lilliputian way, the AAP had become a threat for the BJP; the possibility of an epic David vs. Goliath battle was real.

## Rise and fall of AAP

The BJP has had a second plan for dominance, beyond countering the effervescence of parties like the AAP. It sees any resurgence of civil society as a threat. In fact, one of its first tactics was to suppress the variety of non-governmental organisations (NGOs) blossoming across India. It has also systematically attacked university space in the country, all part of its efforts to align the Constitution with the world view of the party.

Arvind Kejriwal, in his initial years, combined the imagination of a civil society leader and the allure of a small party's head. The AAP's rise might have been a local event but it always managed to make national news. Given the lassitude of the Congress, the AAP was like a new guerrilla party which could easily outpace a behemoth like the BJP. The very idea of such a David vs. Goliath battle was manna for the media. The BJP saw the Delhi municipal election as a continuation, an add-on to the

Uttar Pradesh election. A defeat would have reopened the Pandora's box of scepticism. One could see that the media immediately took its cues from the political signals of the BJP. Municipal elections elsewhere get a footnote or a terse notice. In Delhi, the footnote had become amplified to an epic quality. The municipal landscape, for a week, commanded national attention.

For the BJP, and particularly for Amit Shah, the miracle of U.P. needed repetition. In many people's minds, municipal Delhi was a hinterland of U.P., an outhouse of migrants from that State. As Yogi Adityanath entered the phase of governmentality, Mr. Shah had to invent a 'junior Adityanath', to convince political pundits of his political acumen. He did just that by appointing Bhojpur star Manoj Tiwari to head the Delhi campaign. Mr. Shah had to produce an Adityanath for Delhi's wards, which are chock-full of migrants from the Purvanchal region of U.P.

Oddly, Mr. Tiwari's first foray into electoral politics had been as a Samajwadi Party candidate against Mr. Adityanath in Gorakhpur, in 2009. In Mr. Tiwari, Mr. Shah found a man to outmanoeuvre Mr. Kejriwal. He offered a more cheerful theory of urbanism, a more optimistic scenario of citizenship, a smart election for the smart city boroughs of Delhi.

A municipal election, despite its miniaturised form, became representative of national possibilities. The U.P. State elections and the Delhi municipal elections became in that sense a hyphenated battle. Mr. Tiwari had to reproduce the devastating power of Mr. Adityanath's victory at the local level. He did.

Politicians often sense the future in little events. They read the tea leaves of localities to predict new possibilities. Mr. Shah is a brooding futurist who sensed the strategic value of Delhi's municipal elections. By rolling over a discouraged Mr. Kejriwal, he realised that municipal elections could be read as a major national victory. He did just that, consolidating his role as the electoral Napoleon of the BJP onslaught. The Delhi civic elections have clinched his reputation as a Mr. Juggernaut. Even sceptics like this writer have to acknowledge the tactical power of the victory.

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# Sukma is a wake-up call

Only better training, equipment and tactics will help security forces prevail over the Maoists



RAJEEV CHANDRASEKHAR

The Maoist attack on the 99-member Central Reserve Police Force (CRPF) party in Sukma, Chhattisgarh, in which at least 25 jawans lost their lives, has once again brought the focus on not just the threat represented by left-wing extremism (LWE) but also questions of preparation, equipping, training and strategy of the CRPF that is bearing the brunt of the burden in this fight.

The fight against Maoists has been characterised by high casualty count of our security forces. The Sukma attack of April 24 was reminiscent of the ambush in Dantewada in April 2010 when Maoists killed 76 CRPF personnel and decamped with their weapons and explosives.

## Deaths after deaths

Predictably there is anger, and there will be heavy payback for the Maoists. But it is indeed inexplicable that despite the five-decade-long insurgent movement, and a large number of paramilitary personnel along with State police being deployed in Maoist-affected areas, there seems to be no clear strategic approach to the problem and the forces do not have an upper hand in the areas.

The problem is compounded by the fact that the LWE/Maoists corridor spreads across several States and the perceived lack of a common plan has left each State government combating the Naxals as per their own strategy. This is costing lives of scores of our CRPF and police personnel and the patience of people to tolerate these slaughters is wearing thin.

While there has been a significant drop in Maoist violence in Chhattisgarh in the past year when 36 security personnel were killed as compared to 182 in 2007, between 2005 and 2017, as many as 1,910 security personnel were killed in LWE/Maoist attacks in India, out of which 954 casualties were in Chhattisgarh alone, including the latest incident.

For several decades, combating LWEs/Maoists has been characterised by recruiting CRPF soldiers, putting them through inadequate training, giving them a uniform and asking them to make do. There are also shortages of Mine Protected Vehicles (MPV). Successive ambushes and attacks have shown the vulnerability of the CRPF and police parties in the Naxal areas.

The damage and loss of life from attacks with grenade launchers and improvised explosive devices (IED) can be lessened with

movement in armoured vehicles. In 2010, the Centre had sanctioned acquisition of 350 MPVs for the CRPF, but in March 2017, there were only 122 MPVs with the CRPF. Out of these 122 MPVs, about a dozen have been shifted to Jammu and Kashmir.

In an answer to my question on shortage of MPVs in Parliament, the Ministry of Home Affairs said there was more than one MPV per battalion – though the authorisation states that every battalion must hold 7-10 MPVs.

## Need for a dedicated Ministry

Inadequate combat capability of police forces in Maoist-affected States remains the prime factor for failing security response as also dependency of State police forces on the Central government for anti-Maoist operations.

Lack of institutionalised intelligence-sharing between States and regions and regional coordination is being clearly utilised by the LWEs/Maoists.

The Greyhounds special force of undivided Andhra Pradesh has by far been the most effective force to have succeeded in reversing the trend of Maoist violence. Since 2005, 429 LWEs/Maoists have been killed in Andhra Pradesh and 36 security personnel have lost their lives; in Telangana, formed in 2014, four LWEs/Maoists have been killed with no casualties on the security forces' side. In 2012, the Home Ministry had proposed to replicate Greyhounds in five Maoism-hit States. Clearly, the proposal has not seen the light of day, especially in Chhattisgarh.

Apart from the obvious gaps in intelligence-gathering, there is clear evidence that the CRPF lags on strategy and tactics. The use of technology (including drones) to increase surveillance around patrols to prevent ambushes is inadequate. Losing a quarter of the patrol force in an ambush like this must get the CRPF leadership to re-evaluate tactics, training and equipment. The time has come for a fundamental transformation of the Home Ministry – by moving internal security functions of the government to a new, focussed and accountable Internal Security Ministry.

The service and sacrifice of our CRPF martyrs must not be in vain and it must be a wake-up call for the government, and in particular the Home Ministry. It is a 26/11 moment in our fight against LWEs/Maoists. The battle with them must be accompanied by not just the perseverance and devotion of our men in uniform, but also better tactics, equipment, training and a determined strategy to prevail and win that combines the resources and leadership of all States involved and the Central government.

Rajeev Chandrasekhar is Member of Parliament, Rajya Sabha and vice-chairman, NDA Kerala

## SINGLE FILE

# Giants under scrutiny

Critics of Nehru, Ataturk and Makarios are yet to offer an alternative agenda

KALLOL BHATTACHERJEE



Mustafa Kemal Ataturk, Jawaharlal Nehru and Archbishop Makarios, founders of modern Turkey, India and Cyprus respectively, are being re-evaluated by the nations they founded. That all three names evoke

complex emotions is expected; the real issue, however, is that critics are not quite confident of taking on these three.

There are many similarities in the way the three are being viewed now. Critics of Nehru blame him for a number of problems that torment India at present – issues as diverse as economy and India-China ties. Ataturk's critics accuse modern-day Kemalists of degrading his ideology. Makarios is described either as an evil man or as a saint by different segments of Greek, Cypriot and Turkish politics.

## Mixed legacies

In India, Nehruvian politics is increasingly viewed as lacking appeal for the aspiring masses. In Turkey, Kemalism is viewed as a highly Westernised anti-religious movement, Makarios has faced criticism for not being fully pro-West, and for being a votary of non-alignment and solidarity among Third World countries. The similarities do not end there. Despite the criticism of these figures, there is also an intense race to coopt them into the dominant discourse of the day. Unable to deal with Nehru's achievements, his critics often resort to nuances and instead of blaming him they are trying to build the memory of Nehru's opponents like Syama Prasad Mookerjee. Similarly, Turkey under President Recep Tayyip Erdogan is careful not to blame Ataturk and instead blames his followers for reducing secularism to a fetish. Cyprus is similarly caught between the ideology and memories of Makarios. Makarios championed non-alignment with Nehru and Egypt's Gamal Abdel Nasser, but in 2004, Cyprus dumped the Non-Aligned Movement (NAM) and joined the European Union (EU).

But critics don't have full ammunition to demolish these three yet. Nehru's politics and policies are criticised but critics do not have a complete set of alternatives. In Turkey, though it was Ataturk who had banned the headscarf, present-day rulers still enforce it in varying forms, citing freedom of choice. Cyprus wishes to model itself as the door to the European market but still clings on to the idea of Third World solidarity.

All three are also blamed for leaving behind conflicts. Nehru is blamed for the Kashmir dispute. Ataturk's Turkish ethno-ocracy created the festering Kurdish question. Makarios failed to resolve the issue of northern Cyprus with Turkey. In 1960, Nehru had tried to resolve the issue of Cyprus by bringing Turkey into non-alignment. But the move was scuttled by a military coup in Ankara. However, all three stand tall on the scale of secularism. Given the cautious criticism and lack of an alternative agenda, it is obvious that critics are not yet fully confident of taking on these three giants of world history who shaped the 20th century.



## CONCEPTUAL

### Rent seeking

POLITICAL ECONOMY

Rent seeking is a type of economic behaviour, typically found in a climate of uncertain or weak property rights enforcement, wherein certain actors seek to appropriate the wealth of others without creating any new wealth. Rent-seeking behaviour applies to a variety of situations, from piracy on the high seas to lobbying governments for favourable policies. The incentive to undertake rent-seeking efforts is weak when an economy is strong because productive activities are highly lucrative. During times of economic stress, the net benefit of cornering the surpluses of others goes up.

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## ABSTRACT

### Electoral risks govern protest response

The elected governments in Turkey, Brazil and Ukraine differed in the way they handled protests in 2013

SRINIVASAN RAMANI

It is well known that authoritarian governments are less tolerant of public protests than democratic ones. But that does not explain why some democracies also take to repressing protests through violent means, while some don't. S. Erdem Aytaç, Luis Schiumerini, and Susan Stokes in their paper, "Protests and Repression in New Democracies," in the journal, *Perspectives on Politics* (March 2017), seek to identify the possible motivating factors for democratic governments when dealing with popular protests, especially with a backlash following crackdown on initial protests. Their paper looks at the "extrication" strategies of three democratically elected governments to hypothesise that "electoral calculations" are a pivotal basis for reactions to a backlash. The authors use

the in-depth case study method to contrast the strategies adopted by three governments – Recep Tayyip Erdogan's government in Turkey; Dilma Rousseff's in Brazil; and Viktor Yanukovich's in Ukraine – while dealing with protests in 2013.

The backlash against these governments followed protests in Istanbul, Brazil and central Kiev respectively. In all three cases, the initial suppression by governments led to further agitations. What was different was their handling.

While Mr. Erdogan's government used full-scale repression, the Brazilian and Ukrainian governments reacted with relatively less-repressive actions, even seeking to negotiate.

The authors argue that the strategies were motivated by concerns regarding electoral security of the parties in power. In

Turkey, the ruling Justice and Development Party (AKP) "rested securely on a base of conservative and devout constituents" and there were barely any ruling party supporters among those who protested as part of the backlash.

The support base of the ruling Workers' Party (PT) in Brazil was less partisan, leading to a dampening of support following the initial wave of repression. In Ukraine, while there was a definite cleavage along pro-Russian and pro-Western lines, the party system was "inchoate". The authors say this is why Turkey's response was clearly different from Brazil's and Ukraine's even though the institutional structures are similar in Turkey and Ukraine.

The findings of this paper are useful to explain how even the government in India reacts or could react to similar situations.

## FROM THE HINDU ARCHIVES

FIFTY YEARS AGO MAY 2, 1967

### Mao makes public appearance

Chinese Communist leader Mao Tse-tung made a surprise public appearance at the May Day celebrations in Peking amid frantically cheering crowds who had not seen him for five months. The reception he was given as he was driven standing in a jeep through Peking's parks at times bordered on hysteria. Defence Minister Lin Piao, his chosen first deputy, sat beside Mao in the jeep. Wearing a blue high-necked tunic and cap, Mao, his face composed and expressionless, only occasionally took his right hand from a supporting rail in the jeep to wave briefly to the crowds. Mao's last public appearance was at a Red Guard rally last November and to-day was the first time he had taken part in May Day celebrations for eight years.

A HUNDRED YEARS AGO MAY 2, 1917

### A dacoity in C.P.

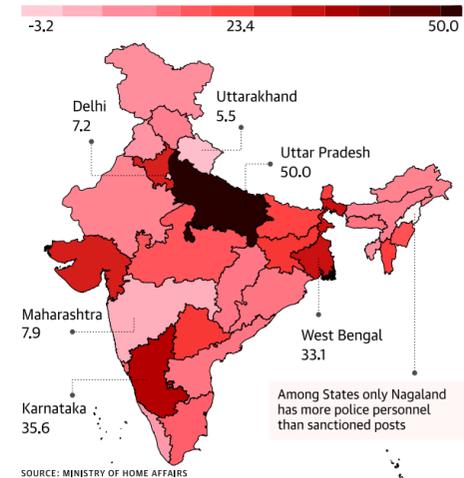
Details have been received here of a successful operation recently carried out by the Central Provinces Police against a dangerous gang of dacoits. It appears that for the last two years this gang armed with guns and other weapons had been terrorising the countryside in the north of Damoh and Saugor districts of the Central Provinces and the adjoining Native States. On one occasion a villager was shot and an informer who was caught had his nose cut off, while the gang openly boasted that they would shoot at the sight of those who made any attempts to arrest them. Eventually, however, the main body of the dacoits was located in the middle of thick jungle.

## DATA POINT

### Most wanted

Half of the prescribed posts in the civil and armed police force of Uttar Pradesh were vacant as of December last year. A look at State-wise vacancies

% of civil and armed police posts vacant



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