



Upheld at The Hague

With the ICJ upholding India's plea on Jadhav, Pakistan must grant consular access

By winning a preliminary order from the International Court of Justice that prevents Pakistan from carrying out the execution of Indian national Kulbhushan Jadhav, India has won the battle of perceptions among members of the international community. It has achieved its immediate objective in approaching the ICJ, which has outlined provisional measures that enjoin Pakistan to take all steps needed to ensure that Mr. Jadhav, a former naval officer under death sentence in Pakistan, is not executed pending adjudication of the matter. Pakistan should now inform the court about the steps it takes to implement the order. The ICJ judges are clear that these provisional measures are binding and create international legal obligations for the country to which they are addressed. The ICJ has rejected Pakistan's objections regarding the urgency of the matter. It rejected Pakistan's own jurisdiction to take up the case and its claim that a 2008 bilateral agreement between the two countries precluded the matter from being raised before the ICJ. At this early stage, the court was unwilling to let doubts over jurisdiction trump the larger, humanitarian issue of Mr. Jadhav's execution. It noted that irreparable prejudice would be caused if the court did not indicate provisional measures, especially in the absence of any assurance from Pakistan that he would not be executed before the final decision.

It may appear to be a complete victory for India on the questions of jurisdiction, urgency and the core charge that Pakistan violated the Vienna Convention. However, this is a preliminary ruling and all issues are open for adjudication at the final stage. For now, the court has taken into account the allegation of denial of consular access, and ruled that *prima facie*, this brought the issue within the purview of Article I of the Optional Protocol to the Vienna Convention, which says disputes regarding the interpretation or application of the Convention would be subject to the 'compulsory jurisdiction' of the ICJ. Further, it has noted that there is no exception to the consular access rule for those allegedly involved in 'espionage'. As an immediate consequence, Pakistan is now under an obligation to grant consular access to Mr. Jadhav. Though it is theoretically possible for Pakistan to ignore the ICJ's order and go ahead with its internal processes for the disposal of appeals and clemency petitions, it is unlikely to do so. Such a course of action would undermine its international credibility. India will have to leverage the moral and diplomatic advantage it has obtained through this ruling to help Mr. Jadhav prove his innocence before a civilian court and win his freedom. Pakistan must act responsibly and abide by the fundamental norms of international law.

Where the jobs are

Public spending and economic policy need to be more attuned to employment creation

News reports over the last few weeks suggest that the Central government may finally be starting to think seriously about jobs. Chief Economic Adviser Arvind Subramanian recently pointed to the need to achieve higher economic growth, in the range of 8% to 10%, to solve the problem of jobless growth. In particular, he flagged the underperformance of the information technology, construction and agricultural sectors, which earlier served as huge job-creators for the economy. It is worth noting that India added just 1.35 lakh jobs in eight labour-intensive sectors in 2015, compared to the 9.3 lakh jobs that were created in 2011, according to Labour Bureau figures. The rate of unemployment grew steadily from 3.8% in 2011-12 to 5% in 2015-16. Union Labour and Employment Minister Bandaru Dattatreya has downplayed the gloomy job situation as being a temporary one. His focus instead is on the new National Employment Policy which, he says, would be released later this year and focus on shifting jobs from the informal to the formal sector. NITI Aayog too has dismissed concerns over jobless growth, saying the real problem is underemployment rather than unemployment. Nevertheless, this month the government set up a high-level task force headed by NITI Aayog Vice-Chairman Arvind Panagariya to obtain reliable data on employment trends to aid policymaking.

The focus on jobs is obviously vital. However, higher economic growth alone will not solve the jobs problem. Jobs can be created when growth comes from the transition of labour from informal sectors like agriculture to the more formal manufacturing and service sectors. Such extensive growth, however, runs the risk of stagnation once the available stock of informal labour is exhausted – as some Southeast Asian countries found out the hard way in the late 1990s. On the other hand, growth can come about without any substantial job-creation in the formal sectors of the economy, but through improvements in productivity. The growth record of several developed economies even after the modernisation of their labour force explains such intensive growth. India should aim at growth that is driven both by improvements in productivity and modernisation of its labour force – especially since better jobs are crucial to improving the lives of millions who are employed, indeed underemployed, in low-paying jobs in the farm sector. Ironically, achieving both those objectives will first require labour reforms – ones that can both boost labour mobility within the formal sector and bring down the barriers businesses face in hiring labour. But incremental labour reforms alone won't work unless these are combined with a step-up in government spending on asset and job-creating areas such as infrastructure, which in turn inspires private investment. Job-creation needs to be an essential axis along which economic and social policies are formulated.

Ending nuclear dependency

The government's go-ahead to 10 indigenous reactors is a timely step towards nuclear energy self-sufficiency



M.R. SRINIVASAN

India now has 22 nuclear power units. The first pair, located in Tarapur, Maharashtra, uses enriched uranium and incorporates U.S. nuclear technology. These two reactors have operated safely and reliably for the past 47 years and supply the lowest cost non-hydro power. The second pair, located in Rajasthan, uses natural uranium and is based on Canadian technology.

The first unit of this pair has been out of service for some years due to deficiencies in some key equipment; the second unit has been operating satisfactorily. Commencing from 1983 and over a span of two and a half decades, India built 16 nuclear power units using its own technology, materials and equipment. These reactors use natural uranium as fuel. Fourteen of them have a size of 220 MW and two are of 540 MW.

Nuclear push in the 2000s

During the period 2000-2010, India designed a nuclear power unit of 700 MW capacity, using natural uranium. Construction work on two such units in Kakrapar (in Gujarat) and two in Rajasthan was taken up. These four units will go into operation in the next three years. Work on two similar units has been taken up at a site in Haryana.

All equipment and materials for these larger units will come from Indian suppliers. In recent years, two 1000 MW VVER power units have come up in Kudankulam, Tamil Nadu, using Russian technology. They use enriched uranium supplied by Russia. In 2016, work on two more such units was com-

menced. When all these units go into operation, India will have 30 reactors with a capacity of 13,000 MW. By then some of the earlier units will be reaching their retirement age.

In the period 2005-2008, the Indian nuclear establishment was focussed on concluding the civil nuclear cooperation agreement with the U.S. India then agreed to build about 10,000 MW of nuclear capacity using U.S. technology. A similar assurance was given to France. Russia and India agreed to install additional units at Kudankulam. The expectation in 2008 was that a rapid increase in Indian nuclear capacity would take place. During 2010-2011, India passed the civil nuclear liability legislation which made a supplier liable for claims under certain circumstances. The U.S. nuclear industry was not prepared to consider any cooperation with India under this condition. In 2016, India came up with the mechanism of an Indian insurance pool that could extend protection to the supplier.

The Fukushima accident of 2011 jolted the nuclear industry globally and the first priority was assessment of safety of nuclear plants in operation all over the world under what was termed as 'Beyond Design Basis' natural events. An unconnected development in the U.S. impacted a nuclear revival there: the availability of shale gas at low prices, in the range of \$2.50 to \$3 per million BTU. In consequence, General Electric de-emphasised the prospects of nuclear energy. Westinghouse designed a 1400 MW enriched uranium reactor (API1000) complying with the current safety requirements. It managed to get Chinese utilities to build four such units at two sites and they are in an advanced stage of execution.

Westinghouse also secured orders to build four API1000 reactors in the southern U.S., at two utilities. Unfortunately, these projects



suffered great delays and huge cost overruns. Toshiba of Japan, a major owner of Westinghouse, incurred \$7.8 billion in losses due to the nuclear business in the U.S. and is considering selling its successful chip business to accommodate this loss. Westinghouse has filed for bankruptcy and the future of the four nuclear power units under construction in the U.S. is highly uncertain.

Project delays aplenty

Westinghouse representatives discussing their proposal with Nuclear Power Corporation of India Limited (NPCIL) for setting up six API1000 reactors in Kovvada, Andhra Pradesh, have said that the new ownership would get sorted out, perhaps within a year or so, and they would continue to be seriously interested in the India project. The U.S. government might facilitate a new owner acceptable to it, and the nuclear business may resume in some modified manner. From an Indian perspective, delays in this project are inevitable and the outcome would be uncertain.

India has been in discussions with Areva of France on building six EPR reactors of 1600 MW at Jaitapur, Maharashtra. The first such reactor in Finland has been greatly delayed and may go into operation in 2018. There is a pending

arbitration case between Finland and France regarding who is to bear the resulting cost increases. A second EPR is under construction in Flamanville, France and that has also suffered delays due to questions regarding the quality of important forgings. Two EPRs in China were making good progress earlier but they also have to address the question of quality of some forgings made in France. Quite independently of these problems, Areva suffered heavy losses post-Fukushima when the uranium market bottomed. Japan, a big buyer of uranium, went out of the market as most of their reactors were shut down in 2011. Only a few have been allowed to restart. The French government has restructured the nuclear business and asked the Electricite de France to take over the nuclear power plant business and let only the fuel and associated activities to be with Areva.

Make in India

Anticipating some of these difficulties, the nuclear community in India has been looking at other options to expand the nuclear capacity. The fleet of pressurised heavy water reactors (PHWR), of our own design and construction, have performed well. During the last five years, the cumulative capacity

factor has been 78%. The reactors have operated continuously for periods exceeding 300 days quite regularly and one of our reactors was on line for 765 days, the second-longest run in the world. The cost of power has been less than from coal in the same region. Given the context, the Union Cabinet's nod on Wednesday for 10 700 MW PHWRs is timely. Indian industry is well placed to supply all the components and materials required for these reactors. Russia is willing to supply two more 1000 MW VVER units for Kudankulam and continue the cooperation to build six 1200 MW VVERs at a second site, to be identified by India.

Our reactor designers at Bhabha Atomic Research Centre and NPCIL have completed the design of a 900 MW reactor using enriched uranium as fuel, designated as the Indian Pressurised Water Reactor (IPWR). Our industry is keen to mobilise and build up the capacity to make components for this design. Enriched uranium fuel can be sourced from international suppliers, as such reactors can be placed under International Atomic Energy Agency safeguards.

About 2025 or so, India may itself supply enriched uranium from its own enrichment facilities. The government's push for 10 IPWRs will secure India a position of nuclear power plant supplier not only for application in India, but also as a potential exporter. While our earlier plans on expanding nuclear power have not materialised, the alternative plan suggested now, which envisages building 28 units with a total capacity of about 25,000 MW in 15 years from now, can still ensure that nuclear power remains an important part of our strategy to minimise carbon emissions in the long run.

M.R. Srinivasan is former Chairman, Atomic Energy Commission

The courts and matters of faith

We need to make a distinction between matters of conscience and matters of faith



PETER RONALD DESOUZA

There is an uncanny similarity of argument between the Rashtriya Swayamsevak Sangh (RSS) and the All India Muslim Personal Law Board (AIMPLB) on controversies that have to do with belief. This is illustrated best in their respective positions on the Ram Setu and the triple talaq debates.

In 2005, on the Ram Setu issue, the RSS stated that their opposition to the UPA government's plan to dredge a canal between Rameswaram, off the coast of Tamil Nadu, and the islands of Mannar, near Sri Lanka, was a "matter of faith and hence required no substantiation".

Twelve years later the counsel for the AIMPLB has offered a similar argument in the Supreme Court when making his client's case on the practice of triple talaq. A Constitution Bench of five justices is to decide on whether the practice of divorce by triple talaq is consistent with the protections guaranteed to individuals by the Indian Constitution. In opposition

to plead that the practice be considered unconstitutional, the AIMPLB counsel stated that triple talaq "is a matter of faith. Hence there is no question of constitutional morality and equity".

This argument that matters of faith be given special status needs to be assessed. Why should matters of faith be given immunity from scrutiny?

Three responses can be offered to this question. Let me, on grounds of brevity, refer to them as (i) the special status of faith, (ii) the issue of validity, and (iii) ethical codes in modern democracies.

Special status of faith

At the outset we must acknowledge that faith, as religious belief, must have special status in any constitutional order. It constitutes the core of an individual's sense of self and is the basis of a believer's conscience.

Belief is a matter of personal choice and no external authority, whether state, cultural community, or religious congregation, can tell an individual what her beliefs should be. To do so is to violate the individual's freedom of conscience guaranteed by most constitutional systems and human rights covenants. But on matters of faith, an important distinction has to be made.

All 'matters of conscience' are



'matters of faith', but not all 'matters of faith' are 'matters of conscience'. It is only matters of conscience that are protected by the freedom-granting provisions of the Constitution. Matters of conscience are individual-centric. They have an ethical core that guides the choices that an individual makes.

They endow the world with meaning and give the individual purpose. In contrast, the 'matters of faith' which the RSS and the AIMPLB are referring to – while they may look similar to 'matters of conscience' – are not so for they are group, not individual, centric. They have a component that is based on evidence, whether this is textual, historical, or empirical. In other words, the belief is contingent on the evidence. For example

it would take the following form: 'we believe X because it is said so in our holy book'.

It is the 'because of' component that demands analytical and scientific scrutiny of the matters of faith. Does the holy book actually say so? Did Lord Ram really build the Setu?

Further, when matters of faith have harmful social consequences, they must be subject to scrutiny since the Constitution guarantees the individual protection from harm.

This is the basis of all social reform in our history.

When the AIMPLB says that triple talaq has evolved in the last 1400 years, it has inadvertently conceded that the practice is not cast in stone. Let the court's intervention be part of that evolution.

The issue of validity

The many advances in linguistics, cultural anthropology, gender studies and, of course, the natural sciences can make the probing of the 'because of' component of the belief very exciting. For example, a textual analysis of a holy book using a study of old and new grammar, or the etymology of the word, or its placement in a sentence are all ways of arriving at the meaning of the statement.

Textual analysis has advanced considerably and hence is avail-

able to determine the validity of the interpretation being offered by scriptural authority. The many schools of Islamic jurisprudence are testimony to this plurality of interpretations.

To that can be added the modern tools of linguistic analysis, gender studies, human rights jurisprudence, and cultural anthropology. The validity of triple talaq must be subject to textual interpretation. Similarly with the Ram Setu claim. It too must be scrutinised by modern science.

Ethical codes in democracies

The most difficult issue in this debate is how to respond to the situation where, after scrutiny, the matter of faith is found to be valid but considered by many in need of change such that it conforms to the contemporary ethics of human rights.

When the counsel for the AIMPLB says that there is "no question of constitutional morality and equity" in matters of faith, he is building a wall, a fashion these days, behind which the orthodox will police their community. Such a wall must not be built. It has no place in a constitutional democracy.

Peter Ronald Desouza is Professor at the Centre for the Study of Developing Societies, New Delhi. Views are personal

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.

Make in n-India

The government's proposal to set up 10 nuclear reactors indigenously looks very grand and ambitious in its scope but is nevertheless achievable ("Cabinet gives nod for 10 indigenous nuclear reactors." May 18). Achieving self-sufficiency in the production of nuclear power has been the Holy Grail of India's nuclear establishment. Our scientists had to work against heavy odds like international sanctions and denial of technology by the West. Since India has been admitted to the nuclear high table thanks to the Indo-U.S. nuclear deal, it makes sense to nudge the domestic industry to realise its potential. There is no reason why the nuclear community cannot rise to the occasion and emulate the successes of the space industry which also has had to face protracted spells of

international non-cooperation. India's nuclear quest runs contrary to the global pushback against nuclear power. Safety concerns about nuclear power plants persist and the government has to ensure the adherence to strict safety standards. The conflict of interest in having the Atomic Energy Regulatory Board, a government body, overseeing the public sector nuclear power plants will have to be resolved.

V.N. MUKUNDBARAJAN,
Thiruvananthapuram

Triple talaq debate

The present triple talaq debate has divided Muslims into two groups: those against triple talaq and the religious establishment justifying the practice. Definitely, the latter do not enjoy a majority ("Triple talaq not fundamental to Islam," May 16).

Both the Koran and the Hadith spell out the rights of Muslim women. They also clearly lay down the procedure for talaq, a lengthy one which carries enough scope for reconciliation before a complete termination of marriage. Measures like arbitration and counselling during this process are also advised to save the marital relations.

MOKARRAM KHAN,
Bhopal

Elections in Iran

An elected President in Iran commands lesser power than his or her counterparts in other countries ("High-stakes battle," editorial, May 18). The real authority rests with the Supreme Leader. Ever since the Islamic Revolution, Tehran's outlook has been anti-American and it has pursued a foreign policy largely independent of its neighbours. Its support to Syrian President Bashar al-Assad has helped in the success of a joint anti-Islamic State (IS) front. President Hassan Rouhani, with his reformist policies, may not have been a complete success but he was able to get the nuclear deal signed and economic

sanctions eased. At home there was less repression and some increase in GDP growth.

The present election may turn out to be against Mr. Rouhani, more so of because of U.S. President Donald Trump's antipathy towards Iran.

Whatever be the outcome, India-Iran relations are based on civilisational links, India has consistently stood by Iran and Iran too has

reciprocated. The Chabahar port will enable India to make inroads into Afghanistan and the broader Central Asia. Prime Minister Narendra Modi has to learn that a soft approach towards America may not give us dividends, especially under the stewardship of Mr. Trump.

PARTHASARATHY SEN,
New Delhi

MORE LETTERS ONLINE:
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CORRECTIONS & CLARIFICATIONS:

>>The opening sentence of "₹225-crore Ram museum in Ayodhya" (May 18, 2017) read: "Plans to build a temple dedicated to Lord Ram on the banks of the Sarayu river in Ayodhya continue afoot, with the... daily feature." It is not a temple that is going to be dedicated to Lord Ram. It is a museum.

>>The OPED page article, "Déjà vu at G7 meet" (Single File, May 16, 2017) erroneously expanded NAFTA as North Atlantic Free Trade Agreement. It should have been North American Free Trade Agreement.

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

LEFT, RIGHT, CENTRE

Should Hindi be the sole official language?



A.R. VENKATCHALAPATHY is a historian and Tamil writer

Hindi zealots, while ostensibly acting for the greater good of the nation, actually end up alienating others



LEFT

Subramania Bharati, the great Tamil nationalist poet, is presumably known to every educated Indian, even Hindi zealots. Not so his childhood friend Somasundara Bharati, who was V.O. Chidambaram Pillai's associate in his great anti-British Swadeshi shipping venture. In 1937, to protest against the C. Rajagopalachari (Rajaji)-led Madras government's attempt to make Hindi compulsory in schools, Somasundara Bharati left the Congress to join the anti-Hindi agitation led by Periyar E.V. Ramasamy.

This is how Hindi zealots, ostensibly

for the greater good of the nation, actually end up driving them away.

Overenthusiasm that harms

In time, Rajaji himself warned, in 1965, "Let us not make the sixty million people in the south seditious, by one stroke." But it seems Hindi enthusiasts have simply not learnt the lesson.

The Congress got a drubbing in the 1967 elections in the State, and it has been on a never-ending leather hunt. Surely, for the Bharatiya Janata Party, ramming Hindi into unwilling Tamil throats will take it no nearer to Fort St. George.

Sadly, even Lohiaite socialists are cut from the same cloth.

It is over half a century since the anti-Hindi agitation of 1965 and Delhi's assurance that English would continue to be associated official language until non-Hindi-speaking States so desire. Since the days of Hindi scraping in through a single vote in the Constituent Assembly, no intellectual argument has been made for why the south should accept Hindi. Their case is usually made in Hindi, resulting in a dialogue of the deaf. From Subramania Bharati to Periyar to Rajaji Tamil leaders promoted, in good faith, Hindi language teaching in Tamil Nadu to

foster better integration. Only to give it up as counterproductive, the arrogance and insensitivity of Hindi advocates contributing in no small measure to their disillusionment.



What has changed in the fifty years since the 1965 anti-Hindi agitation? If anything, the case for Hindi has weakened. Over the last many decades, south India has made rapid strides in the social, political and economic spheres.

The south's surge

The social transformation triggered by the Mandal Commission recommendations was modelled on a caste-based reservation system

fashioned in Tamil Nadu. The rapid strides in education in the south have underpinned the software revolution and the leap in the service sector.

Any reasonably informed survey of trends in modern India will tell you that most of the major intellectual currents have bypassed the Hindi language. Hindi newspapers are not a patch on their Malayalam counterparts. The vitality of the little and middle magazine tradition in Tamil outstrips anything remotely similar in Hindi. Despite the billions of rupees spent on official language commissions, government largesse, and the appointment of Hindi officers in every Central government office, only sarkari Hindi, which is about as fecund as a mule, has thrived. On the contrary, with

little or no government patronage, Tamil and Malayalam constitute a far more vibrant presence in the virtual world.

Such inadequacies apart, Hindi's trajectory in modern India has been infected – or rather, infected – by Hindu communalism. Hindi zealots have, on the one hand, been intent on Sanskritising their language, and on the other, erasing its rich dialectal variety, leading to separate movements such as for the protection of Maithili.

In the hands of a majoritarian government, with utter contempt for the cultural plurality and diversity of our great nation, the pipe dream of making Hindi the sole official language takes on nightmarish proportions. Hindi simply doesn't make the cut.



NAND KISHORE PANDEY is professor and director at the Kendriya Hindi Sansthan, Agra

Spoken by more than 50% of Indians and understood by another 20%, Hindi is the natural lingua franca



RIGHT

On January 26, 1950 our Constitution came into effect. Article 343 gave Hindi the honour of 'official language' (Rajbhasha). There are 22 Indian languages in the Eighth Schedule of the Constitution.

The point to be noticed, in a country like India with a population of 125 crore, is that Hindi is spoken by more than 50% of the population and understood by 20% of the non-Hindi-speaking population. Hence, Hindi is naturally the lingua franca of India.

The aam aadmi (common man)

converses in Hindi or in various dialects of Hindi.

Non-Hindi-speaking States are wrong to assume that if Hindi flourishes, their languages will get suppressed. Seventeen per cent of the world's population resides in India, whose languages also constitute 25% of the languages in the world. And each and every language is enjoying its own space. Is this possible in countries like Canada, France, England, Britain, etc.? It's not.

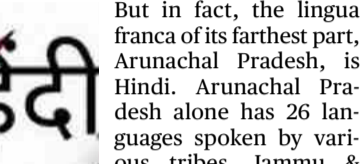
I don't support the idea of not speaking in one's own mother tongue and enforcing Hindi. But I definitely do feel that when two

people, say, one from West Bengal and another from Kerala, meet and do not understand each other's language, then instead of talking in English they should communicate in Hindi, if they know Hindi.

In Nagaland, English is the State language. Yet, there is a growing demand for Hindi.

There are 2,400 Hindi teachers teaching at various levels from primary schools to higher secondary. It is highly appreciable that the State government has given 2.8 acres of land to set up a Hindi institute.

The Northeast is considered to be the most disinterested in Hindi.



But in fact, the lingua franca of its farthest part, Arunachal Pradesh, is Hindi. Arunachal Pradesh alone has 26 languages spoken by various tribes. Jammu & Kashmir has 11 languages, Meghalaya three, Nagaland about six languages with 'Nagamese' as their lingua franca.

Respect for diversity

We Indians were compelled to accept English as an official language and not as our mother tongue or our common language. And that is why, even after so many years of independence, English cannot become our communicative language or lingua franca.

Those who supported Hindi in the Constituent Assembly were not confined to Hindi-speaking people. As for people in Hindi-speaking States not learning other languages, I do not think it is the result of some mala fide intention. It is merely that the need for learning south Indian languages is limited. I may not speak Tamil, but that does not mean I am ignorant about Tamil literature. It is a classical language just as Sanskrit.

Hindi-speaking people have due respect for south Indian languages in their hearts and they readily want to know and study them. Hundreds of books are translated from each south Indian language to Hindi. Comparative research is a continuous process in universities

in north India. Hindi is the language of a vast nation. It is spoken by the second-largest populated country of the world and also outside India.

In official terms, the whole nation has been divided into three parts – A, B, C – and the letters exchanged between them are sent with translations in Hindi and English.

I feel a board or a milestone in Hindi will not weaken other Indian languages. Nor will the identity of other Indian languages be belittled by Hindi.

No foreign language can ever take the place of our Indian languages. Our languages are our culture and tradition.

As told to Anuradha Raman



G.N. DEVY is Chairman, People's Linguistic Survey of India

While Hindi is the linguistic vehicle of many, India's unity will be guarded by diversity, not cultural fencing



CENTRE

When one starts looking at the question of Hindi's claim to be recognised as the national language of India, the following four obvious factors need to be taken into consideration.

Not everyone's language

One, Hindi is not the natural language of a majority of States in India. These include Kerala, Tamil Nadu, Andhra Pradesh, Telangana and Karnataka in the south; Goa, Maharashtra and Gujarat in the west; Punjab and Jammu & Kashmir in

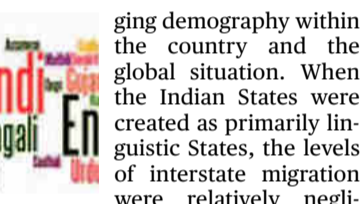
the north-west; Odisha and West Bengal in the east; Sikkim, Arunachal Pradesh, Mizoram, Tripura, Nagaland, Manipur, Meghalaya and Assam in the Northeast. These make 20 States of the existing 29 States.

Two, of the remaining States, Himachal Pradesh, Uttarakhand, Rajasthan, Bihar, Jharkhand, Chhattisgarh are seen as predominantly Hindi-speaking States; but a closer look at their linguistic composition shows that they all have their own native regional languages within each of them and Hindi functions there as a shared pan-State lan-

guage. Three, in terms of heritage value, Tamil, Kannada, Telugu, Malayalam, Marathi, Gujarati, Sindhi, Kashmiri, Odia, Bangla, Nepali and Assamese have a historically longer legacy than the Hindi language.

Four, the Constitution has imagined India, both through commission and omission, as a multilingual country and not as a monolingual nation. The fact that it originally decided to list 14 languages in the Eighth Schedule clearly indicates the unwillingness of the makers of the Constitution to tether India to any single language.

Yet, the claims are not entirely misplaced considering the chan-



ging demography within the country and the global situation. When the Indian States were created as primarily linguistic States, the levels of interstate migration were relatively negligible. During the last seven decades, the changing livelihood patterns have induced large-scale interstate migrations. This process has created the need for linguistic vehicles for delivery of education, processes of governance and simply internal communication in urban habitats.

In the given situation, if one had to choose one of the 22 Schedule languages protected and promoted by the Constitution, Hindi clearly is

the top-ranker. It is globally the fastest-growing language in terms of the number of speakers.

Over the last 50 years, the numbers of those who claim English as their mother tongue (not just as a functional language) has increased globally by 16 crore, against the base of 32 crore. Hindi shows a growth of 16 crore against the base of 28 crore.

If India had to put up only one of its languages as an 'international Indian language', Hindi would be a natural choice since it has a small or big presence in nearly 65 countries. However, language issues are not to be sorted out only in terms of their numerical strength. Had that been the case, the Chinese Mandarin would have long back been

accepted as the most viable international language.

Hindi appears to be threatening more than 60 smaller languages in the States surrounding the Hindi heartland. Besides, it is made, unfortunately, part of a political argument that seeks to promote India as a Hindu Rashtra, an anathema to any liberal-minded citizen. Were a referendum of the language question held in India, Hindi, which is not the first language of more than three-fifths, would lose hands down.

Hindi should wait for another century or so before staking the claim if we want to keep India united. And the unity of India is guarded by its diversity, not by its cultural fencing.

SINGLE FILE

Inroads in Darjeeling

How the TMC has held its ground, and more, in the West Bengal civic polls

SHIV SAHAY SINGH



Elections to seven civic bodies in West Bengal may have ushered in a new era in the hills, as claimed by West Bengal Chief Minister Mamata Banerjee, with the Trinamool Congress (TMC) for the first time making inroads in the Darjeeling hills. However, elsewhere it was still the same old story of political violence, intimidation, and the Opposition calling the elections a farce.

Four civic bodies in the Darjeeling hills (Darjeeling, Kurseong, Kalimpong, Mirik) and three in the plains (Domkal, Raiganj and Pujali)

went to polls on May 14. While there were hardly any reports of irregularities in the hills, the elections in the plains saw large-scale violence. Bombs were hurled, EVMs were destroyed, and in certain places not only voters but even police personnel deployed at polling booths had to flee the scene to escape violence.

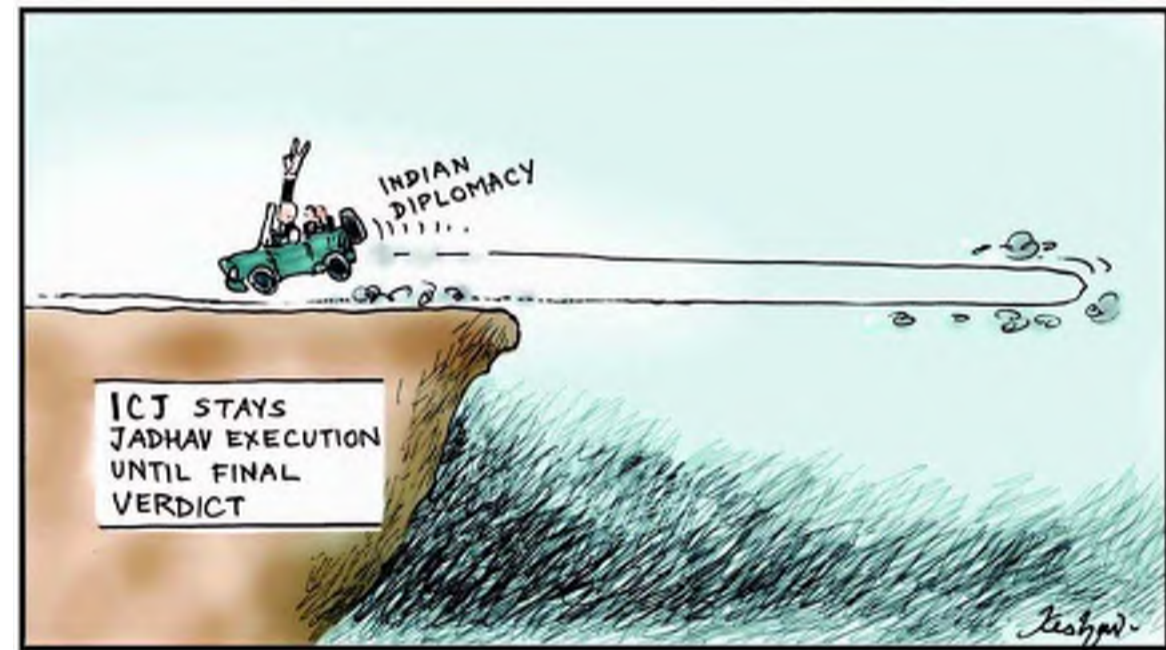
Results declared on May 17 showed the TMC sweeping the three civic bodies in the plains; it also won the Mirik Notified Area in the hills. The remaining three municipalities in the hills went to the Gorkha Janmukti Morcha (GJM). Neither the Bharatiya Janata Party (BJP) nor the Left Front-Congress combine was able to put up any resistance to the TMC. In the three municipalities of Domkal, Raiganj and Pujali, the Opposition parties won either one or two wards. The TMC's win at Mirik is the first instance in the past three decades of a political party that is not from the hills winning a civic body in the Darjeeling hills, where local parties have dominated the political scene.

Switching sides

Much to the surprise of the electorate of Domkal municipality in Murshidabad district, two councillors who won the polls with the support of the Congress and the Left Front joined the TMC soon after the results were announced. An independent candidate from the Pujali municipality in South 24 Parganas also joined TMC within hours of the announcement of results. Elected representatives from the Opposition switching sides, an alien phenomenon in West Bengal politics till a few years ago, has now become common. After the 2016 Assembly polls, in which the TMC returned to power with a massive mandate, at least five Congress MLAs and one Communist Party of India (Marxist) MLA have joined the ruling party.

Though the elections were held in only seven municipalities, the outcome makes it clear that the TMC remains the most dominant political force in the State. The Opposition parties – both the BJP which claims to have emerged as the main Opposition force, and the Left Front-Congress combine which is struggling to keep itself politically relevant – have a long way to go before they can pose a challenge.

Meanwhile, after what was seen at Pujali, Domkal and Raiganj on polling day, the West Bengal State Election Commission will have to give serious thought to whether it can rely on West Bengal police alone for smooth conduct of the panchayat polls scheduled next year.



CONCEPTUAL Fosbury flop

Fosbury flop is the technique one sees all high jumpers use in competitions nowadays, but it wasn't always so. Till American athlete Dick Fosbury hauled himself over the bar to a gold medal with this technique at the 1968 Olympics in Mexico City, high jumpers mostly had a frontal/sideways take-off, variations including the straddle jump, Western roll, Eastern cut-off and scissors jump. In the Fosbury flop, the jumper takes off sideways but rotates further mid-air to gain elevation and land on the back. The technique was, of course, aided substantially by the switch from sandpits or soft matting to deep-foam mats.

MORE ON THE WEB

The Hindu explains: What is Dark Web?
http://bit.ly/DarkWebexplained

ACT ONE In the Lok Sabha's ambit?

Looking for answers to the triple talaq conundrum in the debates of the Constituent Assembly

KRISHNADAS RAJAGOPAL
The Supreme Court, the government and Muslim bodies all agree that the practice of triple talaq needs reform. While Muslim bodies have asked the court and the state to stand back and wait till the community reforms itself from within, the Supreme Court and the government are engaged in a slanging match on who should bell the cat.

The government wants the court to strike down all three forms of triple talaq and pave the way for the state to introduce a new Muslim divorce law. The court, however, wants the state to first legislate.

The answers to the present conundrum can be found in the records of Constituent Assembly debates from two days – December 1 and 6, 1948. They suggest that our founding fathers did not contemplate a role for the courts in introducing reform to a community's

personal laws. According to them, it is Parliament which is to codify social reform in a statutory law. The courts, subsequently, have to interpret it in case any dispute arises from the statute.

The debates focussed on the proposed inclusion of a new clause 'h' into Article 19 (1) to make personal law a fundamental right and thereby restrict Parliament's power to regulate and interfere with personal laws.

A Constituent Assembly member from Madras, Mohammed Ismail Sahib, argued that personal law is a part of religion. He said that anything that affects personal law was interference with religion itself. Replying to this, B.R. Ambedkar made it clear that Parliament could strike down any personal law which was in conflict with the fundamental rights of the people. He said religion should be confined to only certain

"essential" ceremonies and rituals. He also said it is the state which has the power to legislate and remove inequities, inequalities and discrimination prevalent in personal laws of communities.

"[The] state is claiming only the power to legislate. No one needs to be apprehensive of the fact that if the state has the power, the state will immediately proceed to execute or enforce in a manner that may be found objectionable by Muslims or Christians or any other community in India," Dr. Ambedkar said.

On December 6, 1948, another CA member, Dr. K. Santhanam, said Article 25 of the Constitution is "really not so much an article on religious freedom, but an article on, what I may call religious toleration". Parliament can encroach into personal law practices and legislate if they are found to be violative of "public order, morality and health", he said.

FROM The Hindu. ARCHIVES

FIFTY YEARS AGO MAY 19, 1967

India ready for talks with Pakistan

India has again offered to Pakistan to discuss all outstanding issues between the two countries including the Kashmir dispute. The corresponding ending with the Indian Foreign Minister's reply to the Pakistan Foreign Minister dated May 6 released to the Press in New Delhi to-day [May 18], clearly establishes that President Ayub Khan's anguish at the increasing defence expenditure between India and Pakistan was just a propaganda stunt and that Pakistan was not interested in coming to any agreement on the question of reduction of arms expenditure. Mr. Chagla took advantage of President Ayub Khan's sorrow at the diversion of the available resources by India and Pakistan for defence when the economic needs cried for immediate action and promptly wrote to his opposite number in Pakistan that the representatives of the two countries should meet immediately to discuss the question of reduction of defence expenditure by the two countries.

A HUNDRED YEARS AGO MAY 19, 1917

The Italian offensive: Further progress

An Italian Communique says: There was bitter and prolonged fighting between Cucco and Vodice. The enemy repeatedly launched considerable masses against our new positions, but all were repulsed and the rocky bastion of Mont Cucco from height 611 to height 524 remained firmly ours. We made appreciable progress towards the important summit of height 652 on Vodice. Enemy counter-attacks eastward of Gorizia broke down. We occupied an important height southward of Grazigna and threw back with serious losses, a powerful enemy attack in the northern sector of the Corso. The enemy shelled a field hospital at Carvignano. There were six victims.

DATA POINT

Moderately placed

With 6,240 MW of installed nuclear power capacity, India ranks 14th worldwide in the metric, even as the share of nuclear energy is only 3.4% of the overall energy output in the country. A look at those ranked above India

COUNTRY	NO. OF REACTORS	NET ELECTRICAL CAPACITY (MW)	NUCLEAR SHARE OF TOTAL ENERGY (%)
U.S.	100	1,00,351	19.7
France	58	63,130	72.3
Japan	43	40,290	2.2
China	36	31,384	3.6
Russia	36	26,496	17.1
South Korea	25	23,077	30.3
Canada	19	13,554	15.6
Ukraine	15	13,107	52.3
Germany	8	10,799	13.1
Sweden	10	9,740	40
U.K.	15	8,918	20.4
Spain	7	7,121	21.4
India	22	6,240	3.4

SOURCE: POWER REACTOR INFORMATION SYSTEM, IAEA