



We were let down by all of the Democrats and a few Republicans. Most Republicans were loyal, terrific & worked really hard. We will return!

**DONALD J TRUMP,**  
34 million followers on Twitter, after it became clear on Monday night that the attempt to repeal and replace Obamacare would not be immediately successful.

# Why the flag of Kannada pride has triggered a row

Is the setting up of a panel to study the demand for an official state flag 'against the nation'? JOHNSON T A sums up the arguments and the background

A LONGSTANDING demand by Kannada activists for an official state flag exploded into a major controversy on Tuesday, triggering allegations of subverting the Tricolour, and playing the political field ahead of Assembly elections. While Chief Minister Siddaramaiah maintained that nothing unconstitutional was afoot and dared the BJP to publicly reject the demand for an official flag for Karnataka, lost in the political noise were the realities of Kannada subnationalism, and the distinction, articulated by a Home Ministry official in New Delhi, between the "people" and the "state".

## The background

In 2014, Patil Puttappa, a 96-year-old veteran journalist and Kannada activist, and Bhemappa Gundappa, a 56-year-old RTI activist, made a demand for an official flag for Karnataka. On June 6 this year, the Kannada and Culture Department of the state government notified the setting up of a nine-member committee to examine the feasibility and legal issues around the demand. The matter had been reported in the local media at the time, but it was picked up again on Tuesday, and projected as an effort by Karnataka's Congress government to subvert the national flag and the laws that allow only Jammu and Kashmir to have its own flag.

## Attack, counterattack

BJP MP Shobha Karandlaje alleged the government was "going against the nation" by setting up the committee to look into the demand for a state flag. BJP leaders alleged that the Congress was trying to whip up Kannada pride ahead of the 2018 elections.

Janata Dal (Secular) leader H D Kumaraswamy said there is no provision in the Constitution for a state flag. "The Congress government is using this issue to divert attention from some recent controversies," he said.

Chief Minister Siddaramaiah, who has often sided with pro-Kannada activists on issues of local pride, rejected the allegations. "We have constituted a committee to look at the issues in the creation of a state flag. Based on the recommendations of the committee we will take a decision. Karnataka already has an official state song and there is a feeling that there is nothing wrong in having a state flag," he said.

"Having a state flag will not disrupt the unity and integrity of the country and will not reduce the stature of the national flag," the Chief Minister added. "The national flag will always fly higher than the state flag, there are no two ways about it. Most importantly, the Constitution of India does not ban such flags," he said.

"An attempt has been made to create a controversy. It is wrong of BJP leaders to



The red and yellow flag has been Karnataka's unofficial state flag for decades. In 2012, the then BJP government ordered it to be flown on government buildings.

spread misinformation. Let them state publicly that there is no need for an official flag for Karnataka. The committee has not been constituted with the Assembly elections in mind. The polls are scheduled only for May next year," Siddaramaiah said.

The committee is yet to meet to discuss the issue, said G S Siddaramayya, chairman of the Kannada Development Authority, who is part of the nine-member panel.

In New Delhi, however, the leadership of

Siddaramaiah's own party betrayed nervousness at the turn of events. Sources in the Congress said the party high command felt the issue could be used by the BJP to attack it. It was "out of the question" for the Congress to accept a separate flag, a senior leader said. AICC general secretary in charge of Karnataka, K C Venugopal, said: "The Chief Minister has already given a clarification. They have not decided anything. The Culture Department of the state has set up the panel. It is

not at the Chief Minister's level. The committee will see whether the demand is admissible... legal points have to be looked into... The BJP wants to create a problem."

## A flag since the 60s

Incidentally, Karnataka has had an unofficial state flag since the mid 1960s when pro-Kannada groups were agitating against the screening of non-Kannada films in the state. The red and yellow flag was created by Kannada writer and activist Ma Ramamurthy for a pro-Kannada political party called the Kannada Paksha, after he observed that many parties representing non-Kannadigas had flags of their own.

This unofficial flag is flown every year on November 1, Karnataka's foundation day, and is a common sight at public places. Pro-Kannada activists have virtually adopted the red and yellow flag as a symbol of state pride. During agitations and protests like those over the sharing of Cauvery water with Tamil Nadu, the red and yellow banner often serves as protection against attacks by mobs — and private vehicles fly the flag in an attempt at ensuring safe passage for themselves.

## BJP flip-flop

In 2012, Karnataka's BJP government accorded official status to the Karnataka flag

through a notification. Chief Minister D V Sadananda Gowda said in his 2012 Budget speech that it would be compulsory to hoist the state flag on government buildings, schools and colleges.

However, Kannada activist Prakash Shetty went to the High Court saying that rival activist T A Narayana Gowda was misusing the state flag for personal gain. During the hearing of the case, the then Chief Justice of Karnataka High Court, Vikramajit Sen, raised questions on the legality of states having their own flags when the law permitted only the national flag to be flown officially. The government then said it would not make it mandatory to fly the state flag. Eventually, on October 4, 2012, it withdrew the notification ordering the hoisting of the Karnataka flag on government offices on November 1.

## People and state

In New Delhi, a Home Ministry official told reporters that "We are one nation, one flag", but "legally, there is no provision either for providing or prohibiting a separate flag for any state". This issue had been raised earlier too, but such a flag only represents "the people and not the state", the official said. The Karnataka flag was not raised on Republic Day or Independence Day, but on occasions like the state's foundation day, Ministry sources noted.

## UNDERSTANDING THE TEXTILE TRADERS' STRIKE



Looms that produce 4 crore metres of cloth every day have been idle for a month in Surat as the textile traders' strike against GST has shut businesses. Bhupendra Rana

# GST warp and weft in Surat saris

For over a month, Surat, the hub of India's synthetic sari business, lay shut and silent. On Tuesday, textile traders decided to re-open businesses, but said their protest will continue. Why are they angry? Is it just the GST that they are upset with? Why don't textile manufactures and mill owners share the textile traders' anger? KAMAAL SAIYED and ADITI RAJA explain

TOPPING THE list of demands of the GST Sangharsh Samiti, the textile traders' body that is leading the strike that has shut down a four-km stretch of the country's biggest cloth market on Surat's Ring Road, is exemption from the Goods and Services Tax (GST) — or at least, an 18-month GST holiday. This what the textile traders asked for at their meeting with Finance Minister Arun Jaitley on Monday — and came away with the assurance that it would be taken up at the next meeting of the GST Council on August 5.

Behind the traders' indefinite strike, however, is not so much the prospect of higher costs under the "tyrannical" GST regime, as the fear of their business being brought out in the open — of it being subjected to the full glare of financial scrutiny and "mandatory accounting", say those who are intimately associated with the trade.

Surat sends out saris — mostly the cheap, synthetic variety that costs a few hundred rupees per piece — worth nearly Rs 135 crore every day across the country. At least 80% of this massive business is carried out in the dark, say veterans of the trade. GST aims to bring every link in the chain of transactions on record — possibly raising the price of the cheapest saris and dress materials from Rs 70 to Rs 150-200, according to trade experts.

"Between 3.5 crore and 4 crore metres of cloth is woven in Surat every day on average, and sold to other states, cities, and even foreign countries," Ashok Jirawala, president of the Federation of Gujarat Weavers' Association, said. While most saris are unbranded local products, Surat is also home to some big brands like Rachna, Prafull, Parag and Garden Vareli.

The textile trade supply chain had so far been exempt from indirect taxation.

"Now", said Pandesara Industrial Association president Ashish Gujarati, "there is 18% GST in place of the combined VAT and excise on yarn. When the weaver sells the bale to the textile trader, the trader is liable to pay 5% GST. As the textile trader sends the bale to a mill for dyeing and printing, he will pay processing charges with 5% GST. After the cloth is dyed, printed and returned to the textile trader, he sells it to the wholesaler, again with 5% GST. The wholesaler adds his profit margin and sells it to the retailer with 5% GST."

According to Gujarati, the pre-GST cost arithmetic was as follows:

Yarn manufacturers, who paid 12.5% VAT and 5% excise duty, sold 1 kg of yarn to weavers for Rs 118. A kg of yarn yields around 15 m of woven grey bale (about two retail saris). The textile trader purchases this bale for Rs 16 per metre on average — or Rs 240 for 15 m of cloth. The mills that process (dye and print) the bale, charge Rs 12 per metre on average — so, for 15 m, the textile trader has to pay Rs 180 to the mill owner. Thus, the total cost of the finished cloth from 1 kg yarn is Rs 420 for the textile trader.

"The textile trader sells his material to wholesalers in other states and cities, keeping a profit margin of around 15% on the cost price. The wholesaler sells it to the retailer, again keeping a margin of 15%, and the retailer keeps a margin of between 10% and 15% while selling to the customer," Gujarati said.

However, GST gives weavers, mill owners and traders input credits at different levels. As per the pre-GST tax structure, a combined excise duty and VAT meant 18.16% tax imposed on yarn manufacturers, which the weavers would pay during purchase of

stock. Under GST, weavers stand to receive 12% input credit, thus bringing back benefits. "This benefit will be passed down the chain. The textile traders and processors also stand to benefit from input credit options as traders get an input credit of 5%, and processors will receive input credit for chemicals and dyes, which form almost 30% of the business, 5% input credit for coal for powerlooms, and so on," said Jitendra Vakharia, president of the South Gujarat Weavers' Association. "Ultimately", Vakharia said, "the chain of traders will also have to pass on the benefit to the consumers."

Ahmedabad based tax expert Monish Bhalla said tax calculations after GST put a liability of only 0.5% tax on the traders. "So far, only manufacturers and service providers of the industry fell under the purview of taxes, which added up to 18% even pre-GST. In fact, with the input credit system under GST, the chain of textile processors stand to gain at least 5% input credit at various stages. But on traders who were out of the purview of excise and other taxes, GST will impose a liability. This protest is not against GST, but against getting accounted," Bhalla said.

Traders readily concede most of their business was "unaccounted" in order for them to avoid income-tax. With GST, accounts of the business will also lead to higher income-tax for traders with bigger turnovers. Said a trader who has been supplying saris to south Indian states for over two decades, "We have always showed only a part of the transaction in the books, and the rest of the trade has been trust-based. But with GST, the entire business has to be put on the books. It will be difficult to hide volumes, and we will be liable to pay higher income-tax on our turnovers."

In fact, while the traders' strike has brought Surat's sari business to a halt, manufacturers and service providers remain in favour of GST. Said Vakharia, "Since the strike began, I've not had even a quarter of my monthly business. The traders' protest is not against GST, and those who don't fall in line soon, will not be able to recover at all."

Industry veterans say losses due to the strike have crossed Rs 5,000 crore. Textile mills in the Sachin, Pandesara and Palsana areas are unsure how the pre-GST stock would be cleared. Traders say they have the same problem: they can't declare old stock.

Bhalla said pre-GST stocks was "a genuine issue, whether accounted or unaccounted", and the government could perhaps waive the liability on stocks declared until June 30. "They could also have a composition scheme for textile traders, like they have for small businesses. The government should allow them a composition scheme up to Rs 5 crore. But to do this, the Act, which currently has a Rs 1 crore cap, will have to be amended."

Surat city is famous for its synthetic fibre, and is estimated to produce over 40% of the country's total. Synthetic saris are cheaper, and therefore, in great demand among the poorer sections. Surat also produces high quality saris for a more affluent clientele. There are over 9 lakh powerloom machines in Surat city and district, and the daily turnover of the factories is estimated at Rs 90 crore. Over 4 lakh labourers from U P, Bihar, Maharashtra, Odisha, West Bengal and Rajasthan work and live in Surat, turning the wheels of a vibrant sub-economy. The strike has impacted their lives, as also the lives of those in businesses such as transportation.

## CHALLENGE TO AADHAAR ACT

# M P Sharma and Kharak Singh: the cases in which SC ruled on privacy

A nine-judge Bench of the Supreme Court will decide whether privacy is a fundamental right. ANANTHAKRISHNAN G summarises the view the Supreme Court has taken on this issue earlier

WHILE HEARING the challenge to the Aadhaar Act on Tuesday, the Supreme Court decided that it must first consider the question of whether the right to privacy is a fundamental right guaranteed by the Constitution. The judges noted that two earlier judgements of the court — M P Sharma's case in 1954 and Kharak Singh's case in 1962 — had held that privacy was not a fundamental right.

"It is essential for us to determine whether there is a fundamental right to privacy in the Indian Constitution. Determination of the question would essentially entail whether the decisions in M P Sharma by an eight-judge Bench and Kharak Singh by a six-judge Bench that there is no such fundamental right is the correct expression of constitutional provisions," the court recorded in its order.

"That needs to be settled. If not, we can't go forward," Chief Justice of India J S Khehar remarked.

A nine-judge Bench will now decide this question. But what were the M P Sharma and Kharak Singh cases?

## M P Sharma & Others vs Satish Chandra, District Magistrate, Delhi & Others

MARCH 15, 1954

The case related to search and seizure of documents of some Dalmia group companies following investigations into the affairs of Ms Dalmia Jain Airways Ltd, a group concern, which was registered in July 1946 and went into liquidation in June 1952. The probe indicated malpractices within the company and attempts to conceal from shareholders the actual state of affairs by submitting false accounts and balance sheets. An FIR was registered on November 19, 1953, and a request was made to the District Magistrate, Delhi, for search warrants. The DM issued the warrants, and searches were carried out at 34 places belonging to the group. Voluminous records were seized. In writ petitions before the Supreme Court, the aggrieved parties challenged the constitutional validity of the searches saying their private records were taken away, and claimed that it violated their fundamental rights under Articles 19(1)(f) — right to acquire, hold and dispose of property — and 20(3) — protection against self-incrimination.

In its judgment dated March 15, 1954, the eight-judge Bench comprising the then Chief Justice Mehar Chand Mahajan and Justices B Jagannadhas, Gulam Hasan, Natwarlal H Bhagwati, T L Venkatarama Ayyar, B K Mukherjee, Sudhi Ranjan Das and Vivian Bose held that "a power of search and seizure is, in any system of jurisprudence, an overriding power of the State for the protection of social security and that power is necessarily regulated by law. When the Constitution makers have thought fit not to subject such regulation to constitutional limitations by

**'Right of privacy is not guaranteed under our Constitution, and therefore the attempt to ascertain the movements of an individual is... not an infringement of a fundamental right guaranteed in Part III (fundamental rights)'**

recognition of the fundamental right to privacy, analogous to the American Fourth Amendment, there is no justification for importing into it, a totally different fundamental right by some process of strained construction."

## Kharak Singh vs The State of U P & Others

DECEMBER 18, 1962

Petitioner Kharak Singh was challaned in a case of dacoity, but was released as there was no evidence against him. Uttar Pradesh Police subsequently opened a "history sheet" against him and brought him under "surveillance". This was done in exercise of the powers under Chapter XX of the Uttar Pradesh Police Regulations. Regulation 236 authorised six measures of "surveillance": (a) secret picketing of the house or approaches to the house of suspects; (b) domiciliary visits at night; (c) through periodic inquiries by officers not below the rank of Sub-Inspector into reputation, habits, associations, income, expenses and occupation; (d) reporting by constables and chaukidars of movements and absence from home; (e) verification of movements and absences by means of inquiry slips; and (f) collection and record on a history sheet of all information bearing on conduct.

In his writ petition, Singh challenged the constitutional validity of Chapter XX, and the powers conferred upon police officials thereunder on the ground that they violated his fundamental rights under Articles 19(1)(d) — right to freedom of movement — and 21 — protection of life and personal liberty.

His petition was adjudicated by a six-judge Bench comprising the then Chief Justice Bhuvaneshwar P Sinha and Justices N Rajagopala Ayyangar, Syed Jaffer Imam, K Subbarao, J C Shah and J R Mudholkar. In the judgment delivered on December 18, 1962, the Bench struck down Clause (b) — domiciliary visits at night — of Regulation 236, but upheld the rest. The Bench also held that "the right of privacy is not a guaranteed right under our Constitution, and therefore the attempt to ascertain the movements of an individual is merely a manner in which privacy is invaded and is not an infringement of a fundamental right guaranteed in Part III (fundamental rights)".



**The Indian EXPRESS**

FOUNDED BY

RAMNATH GOENKA

BECAUSE THE TRUTH INVOLVES US ALL

# In Valley, no magic bullet

Government must think about tougher challenge  
in J&K — killing terrorism, not just terrorists

D.S. HOODA

A LITTLE OVER half of 2017 has gone by and the tally of terrorists killed stands at 105, the highest in a number of years. If it is any small consolation to the families, the deaths of Feroz Ahmad Dar and Ayub Pandit have been “avenged” by the killing of those terrorists who perpetrated these horrific acts. There is no doubt in my mind that Abu Ismail, responsible for the attack on the Amarnath yatris, will soon follow in the path of his comrades. This is a result of cooperation and coordination between all security elements operating in Kashmir. It is also apparent that actionable intelligence is flowing in.

On the border, the counter-infiltration posture is strong and has limited the number of those who have managed to sneak in. The term “zero infiltration” is a fallacy but Northern Command has done an outstanding job in checking Pakistan’s attempts to stoke terror by pushing in hard core, well-trained terrorists.

There is also sustained pressure on the Pakistan Army along the Line of Control. I know that our casualties in cease-fire violations are regularly reported in the media and it appears as if there is an unnecessary tit-for-tat in which the cost is being paid in human lives. However, that the Pakistan Army has refused to reveal its casualties to even its own lawmakers suggests that they have something to hide.

As usual, when times are difficult, the army, police, CRPF and intelligence agencies provide the bright spark in an otherwise gloomy Kashmir environment. Right now the spark is in the successes of security forces in hunting down the terrorists. However, while a great job is being done by our soldiers in killing terrorists, it is also time for other elements in the government to start thinking about the more difficult challenge in Jammu and Kashmir — killing terrorism.

How do we gauge success in internal security situations where the conflict is conducted amid an alienated population? To be fair, most militaries and governments around the world have struggled to find the correct metrics which would enable them to adopt the winning strategy. Some of these metrics are not quantifiable and therefore we fall back on those which are easy to count — number

of violent incidents, soldiers killed, terrorists killed etc. However, it is equally important to look at the non-tangibles.

This is primarily a war of narratives and ideas. And it is fought in the minds of the population. The “hearts and minds” campaign is not so much about the heart as about the mind. The terrorist who is killed is a son or brother of the village. The heart of the locals will always be with him. The best the government forces can hope for is understanding and respect from the population. This will come about if in the minds of the people there is a feeling that the government cares and is impartial. For a troubled mind, the healing touch works wonders.

Extremism finds easy breeding space in a climate of perceived fear of identity, inequality and prejudices. Whether these fears are true or not is unimportant, what is critical is how they are understood by the society. Joseph Goebbels said, “If you tell a lie big enough and keep repeating it, people will eventually come to believe it.” Hence the battle for ideas, where the government narrative must take on not only propaganda and lies but also people’s thoughts. This needs to be urgently addressed.

Kashmiriyat is unique to Kashmir but it is also in harmony with the best values of Indian society — brotherhood among communities and an inclusive character. These values have undoubtedly been under pressure in the last three decades as radical elements have seized control of the social space. Is there any hope? Yes, there is, even though it has emerged in the tragic killings of Lt Ummer Fayaz, Ayub Pandit and the Amarnath yatris. The reaction of the local populace in the condemnation of these incidents and the coming together of all political parties provides a silver lining.

In 2006, there was a raging insurgency in Iraq with al Qaeda in a dominant position. Buoyed by its success against the Americans, al Qaeda commenced a brutal and vicious campaign against the locals who were opposed to its brand of fanaticism. Fed up, the Sunni tribes turned against al Qaeda in what is known as the “Anbar Awakening”. This was one of the biggest counterinsurgency success stories in the somewhat disastrous Iraq war and it happened because the locals decided to

step up and take control of their lives.

Are we seeing a somewhat similar moment in Kashmir? If we are, the government must seize the opportunity to strengthen the moderate voices in J&K which appeared to have been totally drowned out. This will require specific actions to support civil society groups in J&K and the dampening of shrill rhetoric from some sections of the media.

Community involvement is another key factor in conflict resolution. The community in J&K is largely composed of youth under 30 and many of them are alienated and angry. Their yearning for a better life is reflected in the massive turnout for recruitment rallies but this does not necessarily reflect a pro-state bias. Locals joining terrorist ranks is a serious problem that has grave implications for the future of Kashmiri society. Director General of Police, S.P. Vaid, has called for locals, who have taken up arms, to return to the mainstream. This is absolutely the right message and needs to be followed up by a comprehensive rehabilitation plan which has the support of both the Centre and the state.

There is another community whose predicaments need a serious look — the Kashmiri Pandits. They are an integral component of the Kashmiri fabric and unless there is a dignified solution to their difficulties, conflict resolution in Kashmir cannot be considered complete. Today, they have become the unfortunate victims of politics within the state.

It is said that the government has given a free hand to the security forces to go after the terrorists. The army’s hands have never been tied in counter-terrorist operations, but the announcement is good for morale. However, killing terrorists, while important to bring down violence levels and maintain ascendancy, is not the magic bullet for rooting out terrorism. In the decade between 1993 and 2002, the number of terrorists killed every month ranged from 100 to 200. Fifteen years later, the J&K problem is still with us. To resolve it, the government will have to take many more comprehensive steps.

*The writer retired as General Officer Commanding-in-Chief of the Indian army’s Northern Command*

## KEEP YOUR PATIENCE

Delhi has responded to Doklam stand-off with commendable restraint and sobriety. It must be ready for a long haul

IT HAS BEEN more than a month now since Indian troops and the People’s Liberation Army have been in a stand-off at Doklam at the tri-junction between India, Bhutan and China. It is to the credit of the Indian side that it has been moderate and measured in its response. There is none of the shrillness evident during the 2013 Depsang stand-off. In New Delhi, there has been a commendable effort at keeping the rhetoric down. The briefing by the National Security Adviser and Foreign Secretary to Opposition parties has helped to impress on all sides the need for sobriety and restraint in this moment. In sharp contrast, the Chinese side has flown off the handle, keeping both the decibel levels of the rhetoric and nationalist temperatures high. There have been direct and indirect warnings. An over-the-top recall of the 1962 war in the Chinese media and a CCTV video of live-fire drills purportedly near the site of the standoff were clearly meant to create a scare. The Indian moderation may be read as an indication of India’s vulnerabilities, but the truth is that China too has little to gain by escalating this row. India and China must now move towards resolving the crisis through talks. The scheduled July 27 visit by National Security Adviser Ajit Doval to Beijing for a meeting of BRICS NSAs should be utilised by both sides to break the impasse.

The easiest and most sensible way out for both sides would be for both armies to go back to status quo ante, the pre-June 16 position, and to talk about the issues that led to the crisis. India and China are both bound by the 1993 agreement for maintaining peace and tranquility, strengthened by a host of other later agreements, to resolve their border issues through talks. In the present instance, it is China that has altered the status quo unilaterally, in complete disregard of these agreements. The fact that the Chinese push is directed at a third country, Bhutan, may enable China to claim that this is not a bilateral concern for India. But that would be a specious claim. India and Bhutan have agreements laying down obligations on both sides. And what China does in Bhutan is ultimately an alteration of its status quo with India. Moreover, there is also an India-China agreement that the trijunction will be decided in consultation with the third country. New Delhi must make it clear that there will be no unilateral climb-down from its side.

The situation may take time to be resolved, as it did during the Sumdorong Chu standoff in 1986 near Tawang in Arunachal Pradesh. India must be patient and prepare for a long haul.

## SOBERING FACTS

Nitish Kumar claims that his government speaks for Bihar’s disprivileged. But his prohibition policy targets them the most

HOW IRONIC IT is to find that while Chief Minister Nitish Kumar champions the cause of the dispossessed, the first convictions secured under his flagship legislation, the Bihar Prohibition and Excise Act of 2016, are those of the poorest of the poor. Two brothers who are cart-pullers in Jehanabad have been put away for five years and face a fine of Rs 1 lakh. Sole bread-winners of their families, they can expect to languish in jail much longer, since they are incapable of paying either the fine, or legal fees. Their families are already deep in debt and can expect to remain so for over half a decade, for a single misdemeanour which is not even conclusively proved.

Kumar’s policy draws on the Gandhian conceit that if people were weaned off liquor, the poor would spend the money saved on better nutrition for their families. But the real world does not support such displacement analysis. In lived experience, from the US almost a century ago to present-day Indian states, prohibition has only driven the liquor trade underground, criminalising the populace. In July 2016, the government lifted the ban on toddy but left other categories of liquor illegal, putting powerful discretionary powers in the hands of the police. A breathalyser or a blood test can only detect levels of ethanol. They cannot tell whether the ethanol originated in toddy, IMFL or champagne. The enforcement agencies can take their pick when they frame charges.

Both criminalisation and discretionary powers are traditionally tilted against the less fortunate, who cannot afford either legal representation or bribes. No wonder 25,000 people have been booked in Bihar for prohibition violations, and the first convictions have incarcerated the poorest of the poor. By carving out the Mahadalit block, the Bihar government had sought to focus developmental attention on the extremely disadvantaged, but the prohibition policy would appear to be targeting the same communities, and has the capacity to snuff out whole families with every conviction. In contrast, the more fortunate can get off the hook without too much inconvenience. Nitish Kumar cannot push forward both policies at the same time, since they work at cross purposes. Under the LDF, Kerala has had the wisdom to roll back the prohibition policy of the previous government. Kumar should reverse his own policy, if only because he risks losing a vote bank.

## NEPOTISM DOESN’T ROCK

Jibes at Kangana Ranaut at IIFA served only to make a joke of those who targeted her

HUMOUR IS A versatile weapon. It can be used to ridicule power, to cut through moments of tension and, for those who wield it with skill, even self-deprecation. But when three rich, powerful men — Hindi film industry royalty, each of them — deploy their inherited privilege against a first generation talent, the joke is entirely on them. At the International Indian Film Academy (IIFA) awards held last week, Karan Johar, Saif Ali Khan and Varun Dhawan said they were there because of their “papa” and “mummy”, and claimed “nepotism rocks!”. Johar even took a jibe Kangana Ranaut saying that “Kangana na hi bole to achha hai. Kangana bahut bolti hai.” (“It’s best if Kangana doesn’t speak. She talks a lot.”)

That Bollywood is something of an insiders’ club is no secret. Among their male superstar contemporaries, for example, Shah Rukh Khan and Akshay Kumar are the only ones who are “outsiders”. The normalisation of nepotism was openly challenged by Ranaut on *Koffee with Karan* in February when she called the host its “flag-bearer” on his own show. While Ranaut seems to have moved on, she has clearly hit a nerve. Rather than acknowledge the advantages of their lineage, the three men decided to ridicule her from a public stage. While Dhawan has since tweeted a vague apology without mentioning Ranaut, Johar and Khan remain mum on their misfired attempt at humour.

The Hindi film industry has stayed vibrant and relevant because it absorbs talent — both in front of and behind the camera — from across the country and beyond. Ranaut has emerged as an actor of substance and a vocal public figure. She is also a bankable star. In its own way, her jibe on *Koffee with Karan* was an opportunity for the entitled inheritors of Bollywood to make fun of themselves, to recognise that cinema cannot — and must not — be the fiefdom of a few. Instead, they went with “nepotism rocks”.



DHANANJAY SINGH

JNU IS PREPARING to welcome a new batch of enthusiastic and inquisitive young minds from different parts of the country and the world. But what would a small group of obscurantists within the university promise them? For the last one and half years, since February 2016, they have been unsuccessfully — yet adamantly — trying to impede the academic and administrative functioning of the university. It’s a different matter though that the university has achieved the distinction of being the best in the country despite this small group of teachers and students constantly working against it. Will this group promise the incoming students that they will not obstruct classes, let the university’s administration function, and not try to turn the campus into repetitive spectacles of political protests?

JNU has always been, and still remains, one of the few universities in the world that sets no limits on free debates. It respects diverse points of view on any subject of local, national or international importance. But it is the responsibility of everyone, and not just the JNU administration, that such an ambience prevails in the university. A minuscule number of teachers and students cannot hold the campus to ransom and destroy the university’s ethos. It doesn’t require many voices to disturb the order of things, particularly when a section of the media seeks to benefit by creating news of sectarianism in

## HOLDING JNU TO RANSOM

A small group of teachers and students is impeding the university’s functioning

The objective of a debate is to reach truth and justice through the path of divergent opinions. What happens when forcing one’s opinion upon the university — and not aiming to attain objectives collectively — becomes the objective? Every Academic Council meeting, slated to take crucial decisions affecting the interests of the students and the teachers at large, ends up becoming a spectacle designed for the media.

Indian society. It’s quite realistic to assume that such media organisations would continue to smell news in the disruptive activities of this group of teachers and students. They would be keen to project these activities as the manifestation of a conflict between political ideologies. By blackmailing the administration to toe their line or forcing the academic schools to shutdown or invading the administrative block, this small group of teachers and students are going against the very idea of the university they preach — free dialogue and tolerance of differences. When opposition to the administration becomes routine, mechanical and pedestrian, and originates from hatred, malice and prejudice, deliberation gives way to the bigotry of a few obscurantist academicians and students.

The objective of a debate is to reach truth and justice through the path of divergent opinions. What happens when forcing one’s opinion upon the university — and not aiming to attain objectives collectively — becomes the objective? Every Academic Council meeting, slated to take crucial decisions affecting the interests of the students and the teachers at large, ends up becoming a spectacle designed for the media. Selective recording of events contributes to create a drama of strife that fits into the ideological structure of a handful of so-called scholars of eminence. It is, therefore, fallacious to sug-

gest that a middle ground could be explored. A middle ground is advocated as a way between two extreme positions. In the university, on the contrary, and ironically, there is only one extreme that is hell bent on defying all rules and norms. The frustration at the weakening of their position makes them utterly disrespectful of the JNU administration. Their conduct turns unabashedly malicious and vengeful.

If they support the democratisation of the university space, this group should welcome the administration’s effort to take every opinion on board before reaching a decision in meetings. One wonders what infuriates them and leads them to create mayhem? Is it a worry that a larger section of the academic community, if heard, would distance itself from their absolutist standpoints? One wonders what inspires them to resort to name calling in bodies such as the Academic Council.

As the new session begins, one only hopes that all of us, including this motley group of eminent scholars and students, would realise our role in ensuring that the students, including those coming from the marginalised sections, get the best from the university. This can only be achieved by letting the university function smoothly.

*The writer is assistant professor, Center for English Studies, JNU*



## JULY 19, 1977, FORTY YEARS AGO

**REDDY AS PRESIDENT**  
NEELAM SANJIVA REDDY is assured of being elected President of India without contest. The returning officer for the Presidential election, Avtar Singh Rikhey, has received 26 nomination papers before the deadline for filing nominations. However, except for the four nomination papers of Reddy all the others were found lacking in the statutory requirements.

**LANGUAGE MATTERS**  
THE PRIME MINISTER has expressed unhappiness over the Tamil Nadu chief minister’s support to the two-language formula. In a letter to M. G. Ramachandran, Morarji Desai

said that such views should not be aired in the open, they only aggravate the situation. While replying to the debate on the Governor’s address in the state Legislative Council three days ago, Ramachandran said that the two-language formula would continue to be his government’s policy.

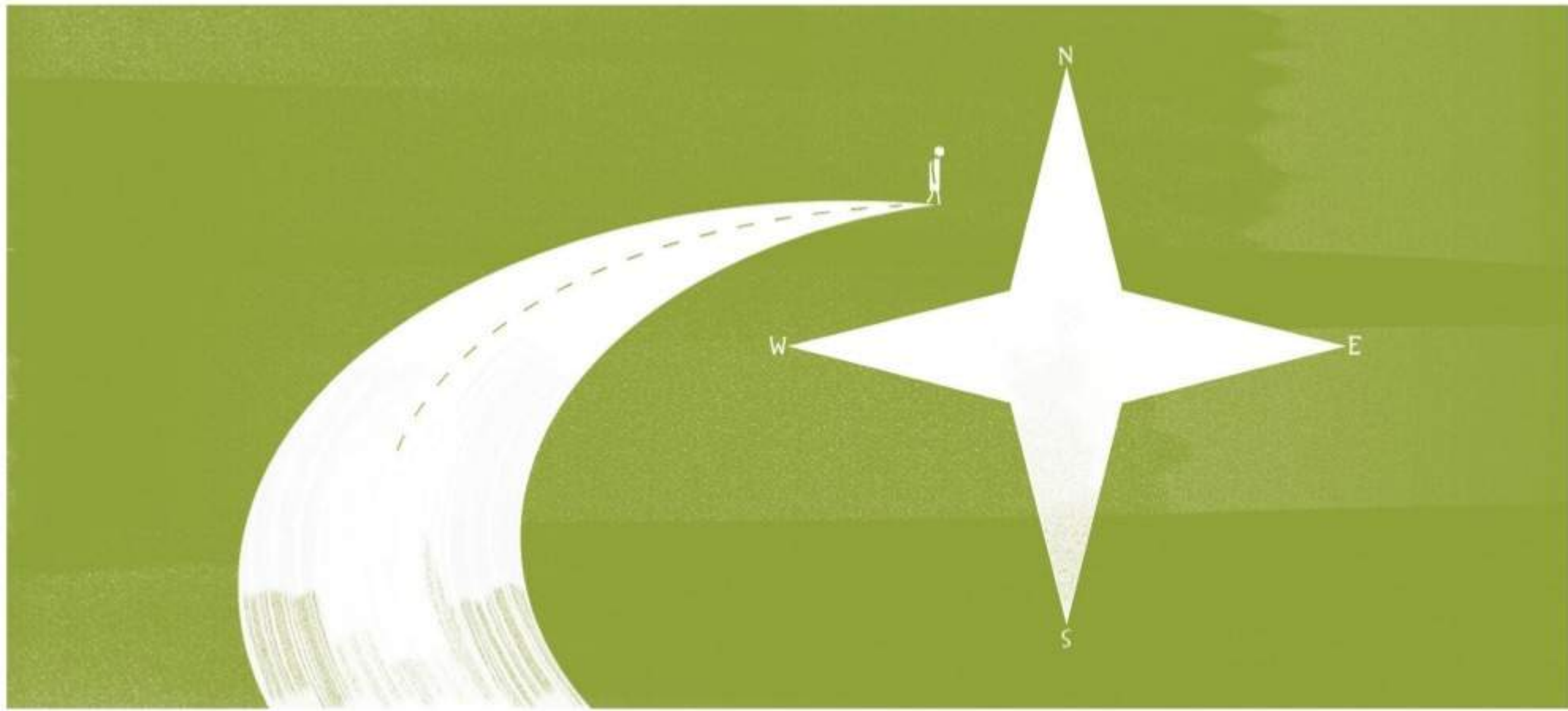
**INDIRA ACCUSED**  
AJANATA MEMBER’S complaint that the former prime minister, Indira Gandhi, had committed a breach of privilege and contempt of the House was referred to the privileges committee of the Lok Sabha. Mrs Gandhi will face privileges proceedings for having allegedly “contemptuously” commented on a ruling of

the house. The former prime minister denied the charge and accused the Janata leader of trying to “denigrate not only me but the Congress Party as a whole.”

**CHANGE IN RHODESIA**  
THE RHODESIAN PARLIAMENT will be dissolved and a general election will be held on August 31, Rhodesian Premier Ian Smith announced. “I envisage the creation of a broad-based government incorporating those black Rhodesians who are prepared to work peacefully and constitutionally with the government in order to establish a base from which we can draw our future constitution,” Smith said.



# 15 THE IDEAS PAGE



CR Sasikumar

## Islam's reform: Way to go

Can passages of the Quran be cherry-picked – to embrace what is appealing and to skirt around what is not? That is the question



JAVED ANAND

IN HIS ARTICLE on how religions evolve ('Let's talk to the Book', IE, July 15), Ramesh Venkataraman makes the interesting proposition that the ongoing debate on triple talaq in the country signals the welcome stirring of the reform process in Indian Islam. In parting, he should perhaps have urged Indian Muslims to speed up a bit. For in their slow march forward Indian Muslims are way behind their co-religionists elsewhere who have been asking tough questions of their Book, making bold demands of their faith and its followers. Not surprisingly, Muslims committed to universal human rights, gender justice, non-discrimination between citizens on grounds of religion etc face difficulties with many a Quranic verse.

On gender justice, a good example is the oft-quoted verse 4:34 (Venkataraman quotes it partially): "Men are the protectors and maintainers of women, because Allah has given the one more (strength) than the other, and because they support them from their means. Therefore the righteous women are devoutly obedient, and guard in (the husband's) absence what Allah would have them guard. As to those women on whose part ye fear disloyalty and ill-conduct, admonish them (first), (next), refuse to share their beds, (and last) beat them (lightly)."

Venkataraman quotes the philosopher Anthony Appiah as saying that the reform of Christianity 500 years ago was greatly facilitated by the fact that on encountering morally ambiguous, contradictory or problematic passages, ordinary Christians who started reading the Bible for themselves decided on "which passages to read into and which to read past." Simply stated, the reformists chose to "cherry-pick" from among the passages of the Bible, embracing what was appealing, skirting around what seemed appalling.

But how do you "read past" any verse of the Quran if as a believing Muslim for you it is an absolute article of faith that the Quran is the Word of Allah revealed to Prophet Mohammed through the Archangel Gabriel? For a believing Muslim who agrees that any meaningful reform in Islam today must necessarily address the issue of equality between the sexes, there is no way to skirt around 4:34. You simply have to engage with it. But then, how do you reconcile your faith in an Allah who endorses male superiority and recommends wife-beating with your fi-

delity to the principle of gender justice?

To get around this thorny issue some current-day Muslims resort to a linguistic device, claiming that the Arabic word "darab" in the verse has meanings other than "beating". The fact, however, is that the overwhelming majority of exegetes, the liberal ones included, accept the translation of "darab" (d-r-b) as physical chastisement. The only dispute is over issues such as at when it's OK to beat and the permissible intensity of the beating (according to some a feather or a flower are the only permissible weapons). The late Moroccan Islamic scholar, Fatima Mernissi, notes that the immediate context of the revelation of verse 4:34 was a woman's complaint to the Prophet that her husband had slapped her. The revelation then had necessarily to address the issue of wife-beating.

While this issue remains a knotty one, in recent years several women (and men) scholars of Islam – Mernissi, Amina Wadud, Riffat Hassan, Asma Barlas among others – have credibly argued that the Quran is a gender-sensitive document. For them, it is the exegetes with patriarchal mindsets who are responsible for having read patriarchy into the Quran. For example, in her book, *Believing women in Islam: Unreading Patriarchal Interpretations of the Quran*, Asma Barlas argues: "The Quran recognises men as the locus of power and authority in actually existing patriarchies. However, recognising the existence of patriarchy, or addressing one, is not the same as advocating it".

Interestingly, while many Muslim women scholars and activists see Allah as being entirely on their side in their "gender jihad" against the patriarchs of Islam (ulama), South Africa's Farid Esack, a male educated in a Pakistani madrasa, a believing, practising Muslim, an Imam to boot, has an interesting point to make. Esack agrees that the Quran does contain "sufficient seeds for those committed to human rights and gender justice to live in fidelity to its underlying ethos". But he argues that the liberal Muslim claim that "the Quran is a Magna Carta of gender justice does not withstand the scrutiny of critical scholarship". In a paper titled, "What Do Men Owe to Women? Islam & Gender Justice: Beyond Simplistic Apologia", Esack labels several renowned "liberal" Islamic scholars as "Islam's apologists".

To drive his point home, Esack quotes the late Anglican Bishop Kenneth Cragg who observed: "The eternal cannot enter time without a time when it enters. Revelation to history cannot occur outside it. A prophet cannot arise except in a generation and a native land, directives from heaven cannot impinge upon an earthly vacuum." In other words, constrained by the time and place of revelation – seventh century Arabia – the Quran could not possibly be a Magna Carta of gender justice, speaking the language of the 21st century. (Even today, 15 centuries later,

But how do you 'read past' any verse of the Quran if as a believing Muslim for you it is an absolute article of faith that the Quran is the Word of Allah revealed to Prophet Mohammed through Archangel Gabriel? For a believing Muslim who agrees that any meaningful reform in Islam today must necessarily address the issue of equality between the sexes, there is no way to skirt around 4:34. You simply have to engage with it. But then, how do you reconcile your faith in an Allah who endorses male superiority and recommends wife-beating with your fidelity to the principle of gender justice?

gender injustice plagues the world cutting across communities, countries and cultures).

Mernissi says the same thing differently: "If men had need of God, God also had need of men". In her book, *Women and Islam*, she points out that the gender question almost precipitated a civil war within the very first generation of Muslims. "Faced with the difficult choice – equality between the sexes or the survival of Islam – the genius of Mohammed and the greatness of his God shows in the fact that at least at the beginning of the seventh century the question was posed and the community was pushed to reflect on it". She blames the later exegetes for not pushing the envelope.

Esack who has issues not only with verse 4:34 but with others too pertaining to gender has no hesitation saying: "If a choice has to be made between violence towards the text and textual legitimisation of violence against real people (women) then I would be comfortable to plead guilty to charges of violence against the text". Esack has no difficulty in quarrelling with the Book for "my theology is about a God that is essentially just and compassionate".

Notwithstanding the differences between the different strands within Islam – traditional, liberal, progressive, extremist – one thing has remained a constant among most believing Muslims: The belief that the Quran is the Word of Allah.

But now enters a British Muslim, Hassan Radwan. In an article recently published by the online portal New Age Islam, he makes an altogether radical prescription for salvaging Islam from "the hardline literalists undermining the soul of a loving, universal creed". According to him, "Liberal and progressive interpretations depend mostly on nuanced readings of the Quran and Sunna, or forcing new meanings out of them. But by playing the extremists' game of interpreting the texts, we allow them a semblance of legitimacy. We also give them the opportunity to come back with theological workarounds".

So, what is to be done? Radwan's answer: "We Muslims need to take the bold step of challenging the very idea that the Quran and Sunna are infallible." But how can the Quran, the word of God, be fallible? Simple. "The Quran is not the speech of God", he maintains, quoting several modern-day Muslim scholars as also quite a few from the early period of Islam in support.

According to Radwan, once Muslims accept that the Quran is not the Word of God, they can "unashamedly cherry-pick" from among the Quranic verses, accepting the good ones and rejecting the bad. Like the Christian reformists did 500 years ago?

The writer is general secretary, Muslims for Secular Democracy, and co-editor, 'Communalism Combat'

### WHAT THE OTHERS SAY

"Under Mr. Modi's leadership, growth has slowed, jobs have not materialized, and what has actually been unleashed is virulent intolerance."

— THE NEW YORK TIMES

## Don't talk, listen

Government is not paying heed to people's concerns on GST. It is too important a reform to be left to whims of jingoistic politicians



RANDEEP SINGH SURJEWALA

THERE IS A disturbing lack of clarity in the minds of those tasked with defending the BJP's vision of the Goods and Services Tax. Most talking heads on television, when asked to defend the different rates (eight at last count), arbitrary classifications (like sharply increased taxes on glucose biscuits or products for the differently-abled) or multiple and confusing compliances (37 filings for a business in one state) revert with one of two answers.

One, the Congress was a part of the GST Council. It should have objected then. Two, the concerns are overstated, despite the scores of independent professionals raising them. And finally, they argue that given time, this vision of the GST will indeed yield the desired results (which have now been quietly pared down from an originally promised 2 percentage point addition to the GDP to close to .75 to 1 percentage point).

Both of these *ad-hominem* arguments fail to address the questions being asked. This then leads to the worrying conclusion that the government itself, for whom these proxies speak, has no convincing answers.

In this new era, there is a higher burden on any party in the Opposition to prove that its criticisms are not merely obstructive. The Congress has welcomed this standard and has expressed, in detail, its concerns over the GST at various stages – be it at the stage of the constitutional amendment, the GST Council or during the introduction of the GST laws in Parliament. The government has at those moments assured the Congress that its concerns would be taken on board and the Congress has responsibly supported a law of which it is the original author, regardless of the BJP's abiding desire to rewrite history.

However, it is important to record three major apprehensions that currently persist with regard to the new GST, leading to disquiet, confusion and agitation.

One, the rates continue to be very high across a spectrum of goods and services. One may recall Rahul Gandhi's insistence on capping the rate at a maximum of 18 per cent and protecting it from arbitrary increases by way of a constitutional amendment. The wisdom of that criticism has been illustrated in these past two weeks with the government tinkering with the rates on an almost daily basis. This also implies that insufficient thought went into the notification of these rates if they can so easily be moved around. It is the consumer who will suffer.

Two, there are several classifications which defy reason. The government has effectively become the arbitrator of what the middle class can aspire to and what, for them, is a luxury. Washing machines and refrigerators are taxed higher as luxury items. Shampoos and soft drinks as well. Our own young leaders have been campaigning tirelessly with the finance minister to remove taxes on essentials such as tampons and sanitary pads, which for some perverse reason are treated as semi-luxury items. The 5 per

cent tax on products for the differently-abled like braille paper, typewriters and wheelchairs further demonstrates a remarkable absence of sensitivity. The stated commitment towards the "divyang" was, as with everything else, superficial since there was no tax levied on these goods earlier (since 2006). In sum, there is a grave lack of clarity.

Similar is the insensitivity in taxing agriculture while paying lip service to the cause of farmers. Firstly, fertiliser was taxed at 12 per cent and only after a vehement protest by the Congress, it has been reduced to 5 per cent. This is despite the fact that most states had no tax on fertiliser earlier. While tractors and other agriculture appliances are being taxed at 12 per cent, it is ironical that tractor tyres and tubes, engines and other parts are being taxed at 28 per cent. In another twist, a tax rate of 28 per cent has been imposed on pesticides and 18 per cent on construction of cold storage for preservation of vegetables, fruits and foodgrains. There is some bizarre logic to this entire scheme, which is incomprehensible.

Three, instead of building capacity and addressing the shortcomings of the GST Network as flagged by supportive chambers of commerce (ASSOCHAM), the government is focused on establishing the Anti-Profitteering Authority with the draft rules having been introduced on June 20. Intended to ensure that manufacturers pass on the benefits of the GST to the consumer, the Anti-Profitteering Authority bears within it the potential of being a new mechanism for tax terrorism. Instead of providing the methodology for calculating the difference in prices before and after GST (like by its Australian counterpart) the rules simply imbue the authority with wide-ranging powers, which include levying penal consequences of fines and jail terms besides cancellation of GST registration. Seen in light of the overarching powers of search and seizure given to tax authorities earlier this year, these point to a larger and more nefarious objective.

These are just three of a large series of unanswered questions. The BJP government's insensitivity to criticism can be gauged from its indifference to a continuing all-India agitation by cloth manufacturers, traders and shopkeepers, which has already caused an estimated loss of close to Rs 40,000 crore. Man-made fibre and yarn is taxed at 18 per cent while the end product of fabric is taxed at 5 per cent. This can only have one sequence. Nearly 80 per cent of textile trade is with medium, small, micro and non-integrated textile players. This will be a death knell for them while ensuring that the big fish survive. Similarly, all services will see an increase of 3 to 5 per cent in taxation across the spectrum, while several businesses are still awaiting guidance on the filing of inward and outward remittances.

There are voices who seek to paint any opposition or apprehensions in binary terms of national and anti-national. Long after these servile voices have faded, the Congress shall continue its vigil against a government bent on wrecking all institutional and administrative mechanisms put in place by its predecessors. This is simply too important a reform to be left to the whims of jingoistic politicians. Unless this government starts listening instead of loudly advertising empty slogans, it will be lost.

The writer is an MLA and media incharge of Indian National Congress

### LETTER TO THE EDITOR

**CREATING A RIFT**  
THIS REFERS TO the article, 'Kashmiriyat lives' (IE, July 18). In Kashmir, even today, there is recognition of the Sufi tradition in which a Muslim ascetic becomes Nund Rishi and a Hindu poet gets recognition as Lal Ded or Lalla Arifa. But in all parts of India – not just Kashmir – resources drawn from composite heritage are being used to create rifts between communities.  
**G. Javid Rasool, Lucknow**

### FLOOD CONTROL

THIS REFERS TO the editorial, 'A law for the river' (IE, July 17). Year after year, governments claim to have made efforts at controlling natural calamities only to be exposed by the flooded rivers. More than 60 people have lost their lives in Assam this year. Animals at the Kaziranga National Park have faced the fury of the Brahmaputra. It is time the Centre and the state governments found a solution to the problem.  
**Pushpal Singh, Amritsar**

### ELEMENTS OF REFORM

THIS REFERS TO the editorial, 'A law for the help' (IE, July 17). The Delhi government under Sheila Dikshit, had drafted the Delhi Private Placement Agencies (Regulation) Bill, 2012. This can be the cornerstone of a legislation for domestic workers. The Central Government has also prepared a Domestic Workers' Welfare Bill. Clauses and mechanisms

**LETTER OF THE WEEK AWARD**  
To encourage quality reader intervention, The Indian Express offers the Letter of the Week award. The letter adjudged the best for the week is published every Saturday. Letters may be e-mailed to [editpage@expressindia.com](mailto:editpage@expressindia.com) or sent to The Indian Express, B-1/B, Sector 10, Noida-UP 201301. Letter writers should mention their postal address and phone number.  
THE WINNER RECEIVES SELECT EXPRESS PUBLICATIONS

### VIEW FROM THE RIGHT

**RESPOND TO AMARNATH**  
THE EDITORIAL IN *Organiser*, 'Respond Beyond Rhetoric', comments on the "ghastly attack on pilgrims of Amarnath Yatra". "Though there was an intelligence input and a mock drill had been conducted in Pahalgam," it notes, "terrorists managed to display their (one) upmanship again". While there have been threats to the Yatra, for over a decade "the pilgrimage was considered sacrosanct, with the assurance from separatist organisations".  
Questioning the timing of the attack, the editorial asks: "Why this act of terror now, where [did] things go wrong and what should be our response are the key questions".  
It notes that "since the killing of social media commander Wani" there have been a "series of cleansing operations by security

forces, eliminating more than 200 militants". "The success ratio of cross-border infiltration has drastically gone down," it says, contending that the "financial flow to garner support for terrorism has dried up due to the massive crackdown on hawala transactions".  
"This frustrating situation" resulted in the attack on "the pilgrims from Gujarat, the state from where Prime Minister Shri Narendra Modi hails and which is going to poll later this year," the editorial says.  
While noting that "despite intelligence input, we could not prevent the attack is certainly a serious concern," it says: "This inhuman act has created a window of decisive action and we must respond beyond moral condemnations and sloganeering".

### PRE-POLL APPEASEMENT

AN ARTICLE IN *Organiser* slams those "pseudo-secularists" who "failed to notice as to how Karnataka was on boil when Hindu activists were being stabbed to death" in its "coastal areas". It claims that the state has seen "a spate of Hindu killings" this year. The report notes the protests march organised by groups like "Hindu

Hitarakshana Samithi" who condemned "the violence by Muslims".  
It criticises Chief Minister Siddaramaiah, who "advised Hindus" to "maintain peace but he had no word to speak against Muslims". "Siddaramaiah, who is busy preparing for the next year's elections, seems to be already on a Muslim appeasement drive and has targeted only Hindus and is completely avoiding uttering anything against the Muslim miscreants," it says.  
It quotes Union Minister D.V. Sadananda Gowda that "why the Congress Government was stooping to a new low in appeasing Muslims". Against this backdrop, BJP MP Shobha Karandlaje has written to the Union Home Minister urging that the National Investigative Agency opens an office in Mangaluru "as the number of home-grown terrorists is growing" in the area.

### CHURCH IN CHINA

A REPORT IN *Panchjanya* says that the Western church spread its roots in China following the expansion of MNCs in the country. Now, "Christians are set to outnumber the ruling Communists".

"Pound (Sterling) and Protestants have been the two main components of British imperialism. Both saw a slide in 2016," it says. "To overcome the possible loss, Protestants are said to have converted some 12 crore people in China," the report claims. As "Christians became a minority in Britain, Christian missionaries have excessively focussed on conversions in last 15-20 years in East Asian countries".  
"This endeavour has been led by the church of Britain," and in China, the target is to take the number of 12 crore Christians to 30 crore in next two decades according to the report. "The declining population of Christians in Europe and the US has been compensated to a great extent by the conversions in China," it says and adds, "According to missionaries, China is set to become the country with maximum Christian population."  
"The China government might consider that the situation is in its control, however the incidents of the last three decades cannot be ignored," it says claiming that many in Europe and the US are now saying that "China can soon have a government dominated by the Church".

Compiled by Ashutosh Bharadwaj