Aadhaar and the judgment

TICKER
MIHIR S SHARMA

This week's judgment affirming that Indians do, in fact, have a fundamental right to privacy is momentous. It is among the most important constitutional decisions in decades; some have compared it even to Kesavananda Bharati in 1973, which decisively limited Parliament's ability to amend the Constitution.

The reason why it may be so important is that it is a reminder, one which was sorely needed, that India was conceived of as a nation that prioritised the individual over the collective. It was a country where majoritarian sentiment — whether legislative or popular — would always have to respect the rights of the individual, and the choices that individuals wished to make.

This country has, for some years now, been slipping into a very different conception of itself. I do not need to spell out the lineaments of that self-image. Certainly, dissent is not popular; distrust and caution about the state are discouraged; and the very notion of permanent and empowered minorities, whether of descent, belief or ideology, is considered troubling. Respect for minority rights is, if the minority is religious, "appeasement"; if the minority is political, "indecision"; and so on.

This judgment by the Supreme Court tries admirably to address this slide. The degree to which it succeeds determines the degree to which the Court, and the Constitution that we gave ourselves nearly seven decades ago, has the power to restrain a turbulent majoritarianism at this very dangerous point in our history.

You would think that given this clash of perspectives about who we are and over what may underlie our Constitution was inevitable, it could have emerged through any policy disagreement. I disagree, however. In some ways, it is no coincidence that the flashpoint for this deeper battle over the soul of this country has come over the Unique ID project, or Aadhaar. And that is because internal to Aadhaar itself, within the very design and usefulness of the project, lies this division between the clashing images of India.

Remember how Aadhaar was sold to us, back in the early days of the second United Progressive Alliance government? Think just of the words being used then: choice; voluntary; empowerment. Now think of the words you associate with Aadhaar right now: mandatory; savings; database. It should be clear that the project has, in and of itself, two different faces, corresponding to these two ideas; and over time it has swung from one to the other.

The reason why Aadhaar was such an important development, why I and others welcomed it at the time — and why it is still so important — is that it has and had the potential to turn the petition seeker from the government into a full citizen with entitlements. Rather than being someone who had to grovel to demonstrate identity and receive the services due to her, an Aadhaar recipient could — together with justiciable right to services laws — be able to demand them. To those who cared about strengthening the individual's rights in India, this seemed paramount. I also felt that Aadhaar, making the individual the eventual destination of welfare, allowing for the possibility of proper targeting of future welfare, would allow for the slow dissolution of the other networks that had been set up because of the imperfection of our welfare states. Again, it would strengthen the individual with respect to the other groups.

It would be foolhardy today to suppose that Aadhaar, as it is currently being implemented, will still strengthen the individual. In fact, it has turned into a bureaucrat's plaything. Rather than reducing barriers, it is increasing them. Rather than being seen as ensuring that Indians find it easier to access services, it is being seen as a way of ensuring that the state knows who is accessing its services. It is being driven by the justifications of savings and exclusion, and not by inclusion. It should be clear how much the project has altered.

Many bear blame for this. The UPA government that pushed Aadhaar failed to put the robust systems into place that so many people warned them would be necessary if it was to not become just another, if far more powerful, tool for the state. It was too slow, too divided, and too willing to compromise — there should never have been a demand, for example, for an address proof or some other form of identity at the time of registration. Nandan Nilekani, who sold and implemented the project so well, has sadly failed to serve as a voice of caution when we needed him the most, over the past two years. And the less said about the current government, which has overused and thus debased Aadhaar, the better. Even the Supreme Court has failed to ensure the implementation of its 2015 order reminding the government that Aadhaar was meant to be voluntary and not mandatory. Hopefully this judgment will be the beginning of a much needed course correction.

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A political tinderbox

The Maldives is in a political shambles. It is courting China and Saudi Arabia with gusto. All Indians ought to be concerned

PLAIN POLITICS
ADITI PHADNIS

Mohamed Nasheed, ousted president of the Maldives, living in exile, and the man who tried to propel Maldives towards a multiparty democracy, was in India earlier this week. The Maldives is in a political shambles. And all Indians ought to be concerned.

The Maldives was a single-party state until 2008. The executive was in charge of the civil service, the security forces and the judiciary. It also had control over parliament through a "constitutionally appointed" group of members of parliament. The country was ruled for 30 years by Maumoon Abdul Gayoom.

This was challenged by Nasheed, who became president of the Maldives after forming his Maldivian Democratic Party (MDP) in exile, contesting the 2008 presidential elections and winning 54 per cent of the vote. A new constitution was formulated but in 2012, Nasheed was overthrown with the help of security forces and put under home detention.

In 2013, fresh presidential elections were held and former president Gayoom's half-brother, Abdulla Yameen, became president through what Nasheed supporters say was a rigged election. For several hours afterwards, Nasheed sought "refuge" in the Indian High Commission, making India a factor in the internal politics of the Maldives. Nasheed was in prison for nine months; he was tried and found guilty of terrorism and given a 13-year jail sentence. He then sought to go to the UK for surgery where he sought and got the status of a refugee. If he returns to his country he will be arrested to serve the rest of his sentence.

Not surprisingly, this caused a vacuum in the MDP's top leadership. Meanwhile, Yameen became very active on the foreign policy front, hoping foreign powers would help secure his own position if it was threatened. Chinese President Xi Jinping's September 2014 visit to the Maldives was his first visit to South Asia, signalling the balance of power dimension to India. Xi was accompanied by a 100-member business delegation and mooted the idea of a Maritime Silk Road (MSR) connectivity between China and the Maldives. As this required land, the Maldives constitution (which previously prohibited foreign ownership of any part of Maldivian territory, but allowed leasing of land for up to 99 years) was amended to allow foreigners, who invest more than USD 1 billion, to buy land within the project site, the only condition being that at least 70 per cent of the area of the completed project must be reclaimed land. Chinese tourists are flocking to the Maldives. This is part of the plan.

Other agreements signed between the Maldives and China have seriously worried India. The latest is the Maldivian offer to China to develop its main airport as part of its iHaven project. India's GMR had earlier got the contract to build the same airport, later cancelled and taken to international arbitration that GMR won. GMR got the contract during the Nasheed administration and lost it when Nasheed was overthrown.

Yameen's last visit to India in 2016 saw New Delhi endorsing him, rectifying its pro-Nasheed tilt. Prime Minister Narendra Modi and Yameen signed a defence agreement. This was nothing short of a dramatic turnaround. Barely a year earlier, India had almost openly sided with the Nasheed administration, going so far as to lobby with the Commonwealth Ministerial Group to sanction the Maldives for overthrowing Nasheed in a "coup" (Yameen responded by quitting the Commonwealth altogether).

India and China are not the only countries in the mix. The Maldives is an Islamic republic and is 100 per cent Sunni. The first Maldivian embassy in Riyadh was opened only in 2014, but it was the first embassy in any Middle Eastern country. And after the constitutional amendment in 2015 allowing foreigners to own land, Saudi Arabia has drawn up plans for a massive integrated development project in the Maldives, fuelling speculation of the sale of Faafu Atoll to that country. Following his official visit to the kingdom in 2016, Yameen had declared that the Maldives and Saudi Arabia were "currently at the peak of diplomatic relations".

The risk of this increased visible presence of Saudi Arabia is that it could have an even more radicalising effect on the Maldives' young population: Already hundreds of young Maldivians are in Syria to join Daesh. A Maldivian national, Ibrahim Fauzee, imprisoned in Guantanamo Bay for his connections with Al Qaeda, has since been released and runs an Islamic Foundation in Male.

Politician-entrepreneurs have not really allowed the Islamic clergy to play a role in politics. But Maldives will see presidential elections in 2018. India will be watching the outcome closely.

DINNER WITH BS ▶ KARAN BAJWA, MANAGING DIRECTOR, IBM

IBM's transformation man

*Bajwa tells **Raghu Krishnan** about the ways in which the information technology landscape is changing globally and how he plans to shape the company to stay ahead of the curve*

The top boss at IBM in the country has always had his base in Bengaluru, from where the global tech major runs its massive operations for India and the world. Not Karan Bajwa, who took charge as managing director of IBM India in January. The self-confessed workaholic is based in Gurugram, on the outskirts of Delhi. He shuttles to Bengaluru often to meet colleagues and customers, as he looks to transform the company, known for its diversity, to "sing one song" or stand as one IBM.

The task is huge, admits Bajwa, though he sees it as an opportunity rather than a challenge. That is one of the reasons he returned for a second stint at IBM, this time to head the company, after nine years at Microsoft, with his last role as its managing director.

Bajwa believes that there are three types of technology companies: First, those with deep consulting expertise; second, those that possess enormous technology assets; the third set of companies are those that can deliver services to customers. Most complexities in technology arise when there are communication gaps between these sets of companies. "We are dealing with one of the complex (business) transformations (currently). Customers don't want people to tell them what to do or to throw products at them. They want all of it to be stitched together and that is IBM's biggest advantage," says Bajwa, as we sit down for dinner at The Lantern, a Chinese restaurant at The Ritz-Carlton, Bengaluru.

The Lantern is a standalone three-storied building outside the main hotel. The basement has an open-air section that draws the cool breeze of Bengaluru during the monsoon — bringing back to Bajwa memories of the Garden City when he first landed there in the 1990s for training at the Centre for Development of Telematics, an institution set up by Sam Pitroda that rang in the first telecom revolution in India. It was the period when fans were rare and air conditioners rarer in the city even as it was sowing the seeds of the information technology (IT) revolution that has shaped it into what it is today.

Bajwa has been travelling to Bengaluru ever since, even when he was at Cisco and Microsoft. Does he rue the bumper-to-bumper traffic of today's Bengaluru, I ask. "I don't. Gurugram is worse," pat comes the reply. "Bengaluru has changed like any other city — Delhi has changed, Gurgaon didn't exist in 1991," says Bajwa, as he orders a watermelon juice, while I take a lime soda.

Except for the weak infrastructure — Bajwa says the government should learn from Hyderabad how to improve it — Bengaluru has all the right attributes — talent, quality of living, culture and ecosystem. That has helped IBM and other global and local firms to grow, while the citizen activism among entrepreneurs such as Biocon Chairman and Managing Director Kiran Mazumdar-Shaw also forces the government to respond to citizens' concerns.

IBM, globally, is undergoing transformation as it sheds its traditional business model to shift towards digital and cloud. India has been a bright spot. With the resources it built in the country, it has been able to lessen the impact of the outsourcing model, while deliberately focusing on building the local business. IBM is a clear leader in the local market. But even here the business models are being disrupted, like it is happening globally, with customers looking at outcomes and not just technology support.

Bajwa says he would go for the "minimalist" set menu and not order à la carte. "It is easier to handle," he explains and chooses the non-vegetarian option, making sure there is no fish. The non-veg portion has pumpkin corn soup, chicken shu mai — open-top steamed chicken dumplings with wonton skin, prawn and asparagus with black fungus — some noodles and rice. I go for the vegetarian option.

Traditionally, technology companies have been selling products and solutions, promising customers that IT is an enabler to build their businesses. It has been an expense item, where the decisions are taken by a technology team led by the chief information officer. But now, technology is strategic, something that impacts the survival of most businesses.

Uber and Ola disrupted the taxi business, both in India and globally; Airbnb disrupted the traditional hotel business and Paytm the way money is transferred. The disrupters came out of nowhere. This is a concern for CEOs , who decide on the business impact of technology investments.

But selling to the top leadership requires a different mindset, says Bajwa. His advice to his salespeople is to elevate the conversation. "My simple instruction to every salesperson is, 'when you go to the customer, use less of this (Bajwa points to his mouth) and more of this (ear). Talk less, listen more'." Most chief executives know what they want and IT firms such as IBM need to engage with them and help deliver outcomes.

The soup is tasty, Bajwa says, moving away from our serious discussion for a minute.

Ever since Bajwa took over, he has made sure that his style of working doesn't affect others. He is the first to come to office every day and puts in 14-15 hours a day. "I enjoy working," he says. Working odd hours and weekends could have a ripple effect on colleagues; Bajwa says he is mindful of that. So, now he prefers not to work on weekends, spending that time at home with his 17-year-old daughter, who is planning to go overseas for higher studies after completing Class XII. The demanding office schedule also means his hobbies are simple — such as watching Bollywood movies. Indeed, non-serious films are great stress busters. Bajwa tried taking up golf — he enrolled for courses three times — but the turf didn't encourage him to stay on course for long.

At the workplace, Bajwa is implementing an important change. As part of Ginni Rometty's global initiative, he is urging people to work in offices rather than remotely from their homes. "I want people to come to office. This company is so diverse, my biggest fear is that two IBMers would go into a meeting and exchange business cards... The day that fear comes true I would know there is a problem," he says with a laugh. "It is very difficult to replace the corridor conversations, water cooler gossips — these are important attributes of the culture of an organisation. You've got to have a fine balance to become more collaborative."

Bajwa talks about his vision for IBM, which he has dubbed "One IBM". He shows me a slide that has been shared internally — it shows three pillars that drive the go-to market strategy of the company. They are "mainstream", "breakthrough" and "expand". "Take technologies such as cloud, cognitive to customers and developers, and expand the market by tapping opportunities even at the bottom of the pyramid," reasons Bajwa.

"Digital, security and blockchain — we have three assets, where we have a point of view, intellectual property and the ability to deliver," says Bajwa, while working on his dumplings. The servings are huge and we wonder what is in store for us.

Among IBM's biggest customers in India is the government. I enquire about the fear of technology lock-in that often comes up in conversations with regulators and government officials dealing with technology. "It is just a fear," he says, and in the same breath, points out that a government has great power in deciding what technology is adopted by its people.

"Nobody can rub them in. They have huge power — of regulation, of the way they can manage (technology adoption). This has a lot to do with perception — that is the reason the first thing I said was that it is important to educate," says Bajwa. "Every company realises that you also need the citizenship for the country... in a manner of speaking... to be able to work in that country." He says the only way to tackle the perception issue is by making technology interoperable so that newer shifts can be taken care of.

Bajwa says he has five to six mentors and counts Infosys independent director Ravi Venkatesan and a former boss at Microsoft among them. "I always learn from real people. Your mentors should never be your idols. You outgrow mentors — that is perfectly normal," sums up Bajwa.

ILLUSTRATION: AJAY MOHANTY

Portrait of a youth champion

PEOPLE LIKE THEM
GEETANJALI KRISHNA

Pictures sometimes speak louder than words. I thought of this while watching the video of a young woman I met the other day at Plan India Impact Awards in the Delhi's India Habitat Centre. In those rarified environs, 19-year-old Shalini Chauhan's description of her campaign against child labour and child marriage in her village was impressive. But when I watched the video, which placed her firmly in her own milieu — a backward, patriarchal village in Ambedkar Nagar, Uttar Pradesh — the true import of her work had me gobsmacked.

At the age of 11, Chauhan joined an NGO, Bal Jagriti Manch, through which children themselves worked on their rights and related issues and brought out a small newspaper. "Initially, my parents thought this was a waste of time," she told me. But the children's group did advocacy on issues that affected them the most, and proved not only to be a support for each other, but also formidable watchdogs for the village. Chauhan became a legend of sorts as she conducted weekly meetings and explained to her peers why it was important for them to study instead of working, or why getting married early would hinder their development. She got her group to visit the homes of children who dropped out of school, or girls who were being married off while they were still minor. "Parents often told us not to interfere in their personal matters, but I stood my ground, saying that if a child wasn't getting educated, or a minor was getting married, it was a matter of public concern," she said.

To everyone's surprise, these young activists began to make a difference. Till date, Chauhan and her friends have helped more than 2,500 children in and around their village to get birth certificates. They have also facilitated many to get admission into government schools. Over the years, Chauhan has prevented several child marriages and interceded successfully with countless parents of working children. "We've also devised novel ways to get our point across," she said. So recently, when a child found an insect in his midday meal, he composed a song about it and sang it in a school function attended by all the district officials! Once, despite their best efforts, Chauhan and the gang were unable to prevent a child marriage. "I was disheartened but swore that it would never happen again in my village," she said. On issues regarding child labour, she has not only taken on village elders, but has also directly enlisted the help of the district administration. "Today, whether it is the police station or the office of the district magistrate, I march right in and fearlessly state my case," said Chauhan. "Perhaps because I'm a girl or because I'm so young the officials always listen to me."

Readers with any sort of experience of UP's patriarchal villages would understand how heretical it must seem for a girl to walk into the police station or the village panchayat and tell people much older than her what to do. "To that, my answer is, who will understand a child's problems better than another child," she countered.

At 19, Chauhan is no longer a member of the children's group that has shaped her life. "I mentor them now, and want to spend the rest of my life working on the rights of children and women," she told me. Soon after our conversation that evening, Plan India awarded the Youth Champion prize to her. "Today, our neighbours say they want their daughters to become like me when they are older," she told me in parting. "Imagine that!" The video ended and I mused that perhaps even Chauhan didn't realise how desperately the country, especially its villages, needs youth champions like her.

Privacy still a matter of perspective

PEOPLE LIKE US
KISHORE SINGH

When I asked the cook not to pack lunch for office, my wife wanted to know who I was meeting, my daughter asked which restaurant I would be dining in, and my son asked if I would be driving myself or taking the driver.

When my wife mentioned to her friend Sarla that we were going away for a quiet weekend break, she wanted to know which hotel we would be staying in, her husband asked what discount we had been offered, and their children checked to see if we were staying in a suite or separate rooms.

When my wife took my father to the hospital for a surgical procedure, my sister demanded to know whether we had checked the doctor's references, my elder brother asked if it was affiliated with the ECH protocol, and my younger brother wondered why his opinion had not been considered.

When I decided to exchange my car, the neighbour asked about its fuel consumption, my brother-in-law checked whether I had made charts of competitive test drives, and the lady across the road asked why I'd opted for the same colour as her husband's car.

When we decided to move home because my parents would be staying with us, the bank relationship manager wanted to know whether we were buying or leasing the property, the chartered accountant asked why we hadn't explored the option of purchase, and my father wanted to know the rent.

He wasn't the only one. Sarla wanted to know the rent we would be paying, my current landlady wondered whether we were paying the correct rent, my office wanted to know why the rent was so high, and an acquaintance wanted to know why the rent was so low.

When we're out to dinner, my wife asks everyone where they buy their sarees, everyone wants to know who tailors my jackets, my driver asks what time we will return home.

Once a month my daughter fires our service providers, demanding to know why the mobile phone package hasn't been updated, the broadband consumption regulated, or Tata Sky failed to bundle all connections together.

My landlord asks why our man Friday didn't switch on the motor for pumping the water to the overhead tanks, my wife asks whether the gardener came, the neighbour phones to check if their newspapers were delivered to us by mistake.

My sister wants to know what my wife served my parents for breakfast, my son wants to know what's in his tiffin, my daughter asks why she didn't get what her brother did.

Sarla checks if we know who's going to be at Poppy's party, Poppy asks if we mentioned the party to Shashi who isn't invited, Shashi calls to ask why Poppy didn't invite her.

My wife asks Sarla what she'll wear to the party, Sarla asks her what she'll wear to the party, Poppy wants to know what they'll both wear to the party.

A telemarketer asks if I need health insurance, another wonders if I have health insurance, a third wants to know the details of my existing health insurance.

More telemarketers call. Do I need a loan, would I care to support a girl child's education, buy a Porsche, take a gym membership, explain why I failed to renew my annual restaurant discount card?

When the hon'ble Supreme Court declared privacy a fundamental right, did it take into consideration the many curiosities and intrusions that make the subject of privacy a matter of perspective?

WEEKEND RUMINATIONS

T N NINAN

Staring into the hole

More than two years ago, the Reserve Bank declared war on what it had winked at till then: The fudging of bank balance sheets. Since then, banks have disclosed bad loans on a previously unimagined scale. The entire government-owned banking system (excluding State Bank of India) is now in the red. But worse is to come. These banks together have bad loans totalling more than ₹7 lakh crore, but banks have provided in their books for varying fractions of the total. Bear in mind that the government banks' collective net worth (without SBI) is only ₹3.8 lakh crore. Quite a few of the government banks may be, or may soon become, bankrupt.

Other than improving disclosures, nothing that the government and RBI have done these past two or three years has improved the banks' ability to function. Setting up the ineffectual Banks Board Bureau, bringing in managers from the private sector, asking banks to restructure stressed assets, pumping capital into banks... the effect of all this has been marginal, if anything. Lending by government banks so far this year is less than it was three years ago. The system is in retreat.

So the war has entered a new phase. The Reserve Bank and the government are forcing reluctant banks to take action under the Insolvency and Bankruptcy Code, enacted last year. Bank managements are being given zero wiggle-room to continue fudging. For instance, the stock market regulator has decreed that even a one-day delay by a company in servicing a bank loan will automatically trigger default on all its bank loans. This will cause credit rating downgrades and affect bank capital adequacy, forcing weaker banks to stop lending. Companies will change hands — Tata Steel and Posco reportedly want to bid for the debt-laden Essar Steel. At the end of all the disciplining of banks and businessmen, you may get a healthy credit culture. It sounds like what the doctor ordered, but drastic correctives when the patient is so sick may mean a successful operation that leaves the patient dead. Take the case of Synergies-Dooray Automotive, the first to be resolved under the new bankruptcy law. Out of more than ₹900 crore owed to them, creditors will get all of ₹54 crore, of which less than half will be paid now, the rest after many years. That's a 94 per cent write-off, and the defaulting company (now virtually debt-free) has been bagged in the auction by a related party! If this is how the bankruptcy law is going to work, it won't present a pretty sight.

It is already clear that government banks can stay fully operational only if they get fresh capital. But the government does not have the fiscal headroom to pump enough fresh capital into banks. Banks could go to the capital market, but their share prices are so far below book value that the prospect is thoroughly unappetising, and in any case it will not deliver anywhere near the amount of money required. The government could sell the banks to promoters with deep pockets, but there aren't too many such in India today whom you can trust with owning a bank. You could sell banks to foreigners, but that is asking for a political blowback. Mergers are talked about, but State Bank of India's merger with its associates is a cautionary tale.

So there are no "jhatka" solutions, and the "halal" option will prolong the problem such that a credit-deprived economy will continue to function at sub-optimal speed. The system may eventually find ways to by-pass government banks; alternatives would be private banks, the bond market, and non-banking finance companies. But at the moment banks are central to India's financial system, and government banks are 70 per cent of the total. So this problem can't be got rid of as easily as Air India — not that that is easy. We are paying for the joys of government ownership, and the mistakes of the boom years when credit flowed into projects that should never have got bank funding. Those loans are now torpedoing the banks, and we will all feel the ripple effects.

ILLUSTRATION BY AJAY MOHANTY

Clueless in Babaland

Gurmeet Ram Rahim is just the most colourful and blingy of north India's godmen. He is also the first one the law has caught up with

NATIONAL INTEREST

SHEKHAR GUPTA

If the context hadn't been so stark, we would have found this question more perplexing: Which part of our country has the most godmen per square mile? It is, indeed, an unusual suspect, Punjab and Haryana. This region is known for much else in our country but not really for such a preponderance of religion, spirituality, and self-styled godmen.

Not all are crooks. Some have evolved their own spiritual philosophies, stayed within the law and also done philanthropy and public service. Most of the rest are essentially land-grabbing political fixers, power-brokers, and shady entrepreneurs. No better than glorified Gabbar Singhs in fancy dress in whose powerful courts local politicians dutifully answer the call of "*Arrey ohh, Sambha...*"
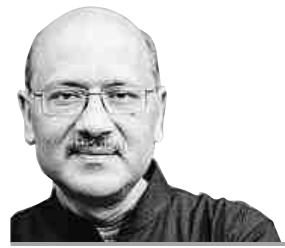
You have to be careful using imagery from *Sholay* to describe people with millions, in the instant cases tens of millions of devout followers. That liberty needs to be taken today, our region held to ransom by the followers of a convicted rapist, being tried for two murders including that of a brave local journalist who outed the rape case, and also the charge that he emasculated 400 devotees on the pretext of getting them "*mukti*" (nirvana) and has their testicles in his possession, presumably in refrigeration. Which theme we shall return to, soon enough.

Today's newsmaker is Baba Gurmeet Ram Rahim Singh Insaan, the godman with the largest following. Next door to his walled, high-security mini-city or "*Dera*" in Sirsa, is another in Hisar, owned by Baba Ram Pal. Sure enough, he too is in jail, under-trial on charges serious enough to keep him there for the rest of his life if convicted. Since his history is recent, you might remember that in November 2014 Haryana Police fought with his followers in his stockaded fortress and several were killed before he could be arrested. The then Haryana D-G of Police, S N Vashisht, was quoted as saying that his "police had to deal with a hostile army of Ram Pal's commandos".

One thing that all *deras* or sects have in common is a personality cult. Run your eye westwards from Hisar and Sirsa of Haryana. The adjoining eight or so districts of Punjab have millions of followers of these two babas. Further, their spiritual halo fades but only because there are others. Not all as troublesome, but more colourful: In life as well as in death.

Punjab has the old Radha Soami and Nirankari sects. Both are large, spread in large parts of north India (including Delhi) and beyond. Radha Soamis have been non-controversial. The current head or Babaji is ailing. Please note that we prefer Babaji or spiritual chief to the description "guru" in Punjab as it is blasphemous for the Sikhs. The tenth Guru, Guru Gobind Singh, had declared himself to be the, 'Guru Granth Sahib' as their Guru forever. The Radha Soami sect is headquartered near Beas river, sort of midway between Jalandhar and Amritsar along the Grand Trunk Road. A hereditary successor is not available now. But a well-planned, amicable succession is in the works. The man chosen to lead the Radha Soamis is Bhai Shivinder Mohan Singh who most of us know as one of the two Ranbaxy/Religare/Fortis brothers — Malvinder Mohan Singh being the other of the duo sometimes called MMS and SMS in Lutyen's upper circuit.

The Nirankaris have had a more eventful history. Their long-lasting head, Baba Gurbachan Singh, was assassinated by Jarnail Singh Bhindranwale's bands on the charge that he claimed to be a "guru". In fact, the Bhindranwale phenomenon rose when, on Baisakhi Day (13 April), 1978, his followers went to protest at the Nirankari congregation and were fired at by the Baba's supporters, resulting in 16 deaths. The Sikh clergy at the Akal Takht at the Golden Temple then issued a *hukamnama* (Sikhism's equivalent of an ecclesiastical bull) prohibiting any social contact with the Nirankaris. Or, as is stated in a language as direct as Punjabi can be, "*roti-beti ka sambandh*", a relationship where you eat together or inter-marry. Make note

again, as we will return to this.

Then there are the Namdharis, the friendliest and gentlest Sikhs in peculiar white turbans. Their last durable chief, Jagjit Singh, didn't have a son and anointed one of his two nephews, Uday Singh. He led the sect with his much-revered mother, "Baba" Chand Kaur. She was assassinated by motorcycle-borne gunmen in Ludhiana on April 4, 2016, and both cousins blame each other. Somewhat smaller but equally tightly knit is the cult of Bhaniara Baba in Nurpur Bedi in Punjab's Rupnagar district. His followers included former home minister and Congress leader Buta Singh, who believed his miracles cured his wife. But he fell foul of devout Sikhs when he published, in 2001, a book *Bhavsagar Granth*, listing his own miracles. He was declared a blasphemer and apostate and stabbed by a Babbar Khalsa assassin while making a court appearance in Haryana.

And finally, in this fascinating star-caste is the "Freezer Baba" (we promised we'll return to refrigeration). Ashutosh came from Bihar and built a following of millions of Punjabis. He died in January 2014. But his followers believe he has gone into samadhi and will return. So they've put his body in deep-freeze and refuse to cremate it. The high court has been dealing with this for three years. A single-judge bench ordered cremation but a division bench set it aside. Meanwhile, the devotees throng one widely known now as "Freezer Baba" and chant, en masse, "*Ashu baba aayenge...*", waiting for him to wake up.

Why this region is so vulnerable to babas is a question for sociologists. I have heard many explanations, but the one I take more seriously is that Sikhism is the world's youngest major religion (just over 500 years old) and is still evolving. It's also a region of the book with a demanding doctrine. The babas do three things. One, they make its practice simpler, with fewer lifestyle restrictions. Second, since Sikh and Hindu practices overlap, the babas draw from both and offer a market-friendly hybrid product. And third, a holy book has much wisdom. But in times of distress, you sometimes need a human being to defer to, particularly if he has a godly reputation.

Which is a product of marketing genius. We all know about Ram Rahim's films, songs, motorcycles, bling. Of all the babas, he became the most popular. That's why, 35 years after their *hukamnama* against the Nirankaris the Akal Takht issued another, forbidding Sikhs from having the same "*roti-beti*" relationship with Ram Rahim's followers. Desperate for his votes, the Akali-BJP government leaned on the clergy to accept his "video apology", and pardon him. This drew protests from the devout. The pardon was withdrawn. But it is widely believed that mainly because he expected help with the CBI cases that he asked his supporters to vote Akali-BJP in the recent state elections. One of the same cases has now ended in his conviction.

This, the babas' vote banks and the politicians' greed for en bloc votes, is the curse of Punjab and Haryana. The Congress is the past master. The BJP has learnt the game. And the Akalis have happily two-timed their conservative "Panthic" constituency by patronising the deras. If a brave journalist dares to pursue a rape charge, he ends up with bullets in his chest as Ram Chander Chattarpati of *Poora Sach* did in Sirsa. The babas, as a result, think they are above the law. Until a brave CBI court judge called Jagdeep Singh changes the script.

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How big is Baba Ramdev's writ?

AL FRESCO

SUNIL SETHI

No bigger godman or yogi looms larger on the Indian scene today than Baba Ramdev — many previous ones, from Maharishi Mahesh Yogi to Dhirendra Bhramachari to Bhagwan Rajneesh aka Osha, can't hold a candle to his lights. In a salivating new millennium twist to earlier healers of body and soul, Ramdev has scaled up spiritual therapy into an unprecedented retail empire in recent years.

Revenues of his Patanjali Ayurveda, purveyors of more than 500 products from shampoos and ghee to noodles and "*swadeshi*" jeans, were estimated at ₹10,000 crore this year, growing at 100 per cent annually and spooking the likes of ITC, Dabur, Hindustan Unilever and Colgate-Palmolive. "*Colgate ka gate bhi band hoga, Pantene ka to pant gila hone wala hai, Unilever ka lever bhi baithega...*" (Colgate will shut its gates, Pantene will wet its pants, Unilever's lever will break down) he announced in an attack on his competitors not long ago.

How a sickly village boy from a dirt poor corner of Haryana metamorphosed into a fast moving consumer goods giant and a television star is not only the stuff of corporate might cresting a wave of religiosity but a cracking good tale. The bushy-bearded, saffron-clad yogi's grinning visage is writ above glow signs announcing "*Baba Ramdev ka Mega Store*" everywhere but his life story is the subject of a legal writ. Earlier this month, he moved a Delhi district court restraining the publication of a gripping biography, *Godman to Tycoon: The Untold Story of Baba Ramdev* by Mumbai-based journalist Priyanka Pathak-Narain (Juggernaut; ₹299).

Ms Pathak-Narain spent ten years piecing together the tale, interviewing not only Ramdev but his family, followers, associates and adversaries. (She appends 25 pages of source notes at the end of a slim volume.) It is a chronicle of astonishing gumption and reinvention; and of bitter intrigue, takeover battles of ashrams to TV channels, forays into national politics, feuds, falling outs and, yes, crime.

From selling *chawanprash* on a bicycle in Haridwar to running phenomenally successful yoga camps and Ayurveda outlets (consultations are free but the medicines are not) how did he become a "Pied Piper who could make his stomach churn and ripple, wrap his legs around his neck and dazzle viewers with dreams of eternal youth and instant good health."

For every ally Ramdev lost, found and dumped, he also made enemies. Among the mysteries Ms Pathak-Narain uncovers are the murder of Swami Yogananda, an early Ramdev supporter, and the disappearance of Ramdev's "saintly" guru, Shankar Dev; of his financial backers such as K K Pittie and Sarvan Poddar (the latter donated a Scottish island to his UK trust); investigations into charges of sales tax evasion; and his forays into high politics, wooing Mulayam Singh Yadav, teaming up with Anna Hazare, and taking on CPI(M)'s Brinda Karat who alleged the use of human and animal bones in his medicines.

Some details of the Ramdev story — for instance the year of his birth — are lost in his transformation from impoverished village lad to a powerful guru. His godman status also prohibits him from any direct pecuniary connection; he owns no part of Patanjali Ayurveda and allied enterprises; yet Acharya Balkrishna, his chief aide, is the twenty-sixth richest Indian, worth ₹25,600 crore.

To create as dispassionate a narrative the author says that she principally told Ramdev's story through the voices of those who knew him. Nevertheless, the injunction against her book calls it defamatory and damaging on several counts, citing, among other objections, a *Reuters* report alleging that the yogi "received $46 mn in land allocations and discounts from BJP-led state governments" and that in some Haryana villages Baba Ramdev is popularly known as "Lala Ramdev".

Restraint orders against books are an old, dishonoured practice, in part because of the glacial pace at which lower courts move. The late Khushwant Singh had to battle it out for years with Maneka Gandhi over the publication of his memoir; more recently, Jayalalithaa tried to suppress a book on her life and American Indologist Wendy Doniger's *The Hindus: An Alternative History* was not only withdrawn from bookshops but pulped, raising a major outcry against growing curbs on freedom of expression.

Juggernaut publisher Chiki Sarkar has appealed the Ramdev writ and is determined to fight it, taking it to the high court which has a better and faster record in giving "great judgements...on such issues." She does not believe political dispensations influence court decisions — "The Ramdev injunction could have happened at any time."

As for Priyanka Pathak-Narain, she is confident that her story of Baba Ramdev will reach a wider public. This week she told me: "The wonderful thing about being a journalist is that when someone tries to muzzle your work, it's a badge of honour. You know you've done something right."

Till torture do us part

EYE CULTURE

VASU PRIMLANI

In the latest Supreme Court judgment, in a 3-2 majority win, the triple *talaq*, or of the various forms of *talaq*, the one considered improper even in Islam, has been struck down by the highest court in India. Also interesting is the fact that there were five judges on the Bench for this hearing, one representing each religion, and of the five, two disagreed with the proposal that law could interfere in religious prescriptions in India. Further intriguing is that the two on this Bench who have historically tended to be enemies, agree. They stood together in believing the law may not interfere in religious edict, inasmuch as marriage falls under personal law.

There was also a noticeable gender divide. The petitioners were Shayara Bano, Aafreen Rehman, Gulshan Parveen, Ishrat Jahan, Atiya Sabri (all women), and the judges panel constituted Kurian Joseph, U U Lalit, R F Nariman, Chief Justice J S Khehar, and Abdul Nazeer (all men).

There are three kinds of divorce in Islam, classified in terms of who seeks it. When the man seeks it, it is called *Talaq* or *Ila*. When it is sought by the woman, it's called *Liyan, Faskh, Zihar, Khula* and *Talaq-e-tafweez*. When sought by mutual consent, the divorce sought is called *Mubarrat*.

Islam considers the triple *talaq* tradition came about after the founding of Islam, and as such, does not belong to Islamic law. Perhaps *instant coffee* belongs to our homes, but *instant talaq* doesn't. Most Muslims believe in the sanctity of marriage and encourage counselling, mediation, and a complete exhaustion of all resources and strategies before arriving at the sad conclusion of divorce. It is frowned upon, and disapproved of by Allah, as written in the Quran.

While I am glad that women who felt the *talaq-e-biddat* is too sudden to allow for reconciliation or response from women, and provides an inordinate amount of power to men in marriage, I am also saddened by this fight. Shayara Bano has claimed in this petition that her husband ill-treated her, did not financially provide for her, made dowry demands, denied her food, medically poisoned her, and locked her in a room for several days. And Shayara Bano said her husband's act of triple *talaq* was unconstitutional.

It is with some amount of consternation that I ask: What would cause a woman to *want* to stay in an abusive marriage, by her own admission? In her position, I would feel her husband's proclamation of the triple *talaq* would sound like 'You free, Ms Scarlett!' And if it is social sanction or economic dependency, I would look to those sectors to question first,

It seems to me that marriage is an 'at will' relationship. To my mind, you ought to stay in it as long as it serves you in supporting, respecting and honouring you and your needs. The key factor here, to my mind, is happiness. If either party, or whatever reason, is not in it, they should have the choice to walk away as painlessly as possible. Women are also allowed under the *shariat* to dissolve a marriage, a procedure called '*khula*'. Instead of employing it in the face of obvious abuse, why is she not engaging it rather than wanting to be back with her husband? Why would I *want* to be with a guy who thinks three words can callously destroy all we had without changing his ways, or trying hard enough?

And consider this. *Talaq-e-biddat* in essence allows an immediate dissolution of marriage. The Hindu procedure of dissolution of marriage, by contrast, is painstakingly long. Even after aggrieved parties provide proof of abuse or torture at the hands of the partner in marriage, judges often decree a period of another six months before the judge would even *consider* divorce. To me, it seems like the judge infantilises the married couple. Perhaps the judges *do* not consider that among all nations, Indians are famous for taking marriage very, very seriously. And it takes perhaps hundreds of agonising hours of hand-wringing before a woman considers divorce, after having considered her commitment to marriage, her family name and honour, and the future of her children in addition to her own economic well-being, before she considers annulment. And to mandatorily add to that a mandatory imposition of six months further extends the torture. Perhaps they do know what they are asking for by the time they approach the judge. Parents would have intervened, friends would have tried to persuade, they themselves would have second-guessed themselves to a fault, and tried a variety of solutions and compromises, surely?

In this division between Hindu and Muslim, for couples on the orange side, stuck for an inordinately long time in the legal process of divorce under Indian courts, the grass may just look greener on the other side of the fence.

Every week, Eye Culture features writers with an entertaining critical take on art, music, dance, film and sport

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Puttaswamy vs Union of India: The power of one

INTER ALIA

MITALI SARAN

On Thursday, August 24, a nine-judge Supreme Court bench delivered a unanimous verdict upholding privacy as a fundamental right intrinsic to Article 21, the right to life and personal liberty. You cannot possibly overstate the importance of this judgment. If you don't like detail, just eyeball its magnitude by counting the number of pages it took up in your Friday morning newspaper. I counted eight pages in mine.

Sounds nuts, right? It's 2017. Do you have the slightest doubt that privacy is fundamental to living your life in peace? And yet, until now it has never been legally spelled out, even as privacy is being battered by governments and corporations who see leverage and money in ever more access to your personal life.

Hearing Justice K S Puttaswamy's petition for a fundamental right to privacy was made urgent by another Supreme Court petition challenging the government's attempt to forcibly link PAN and the Aadhaar number. The petitioners argued that collecting, sharing, selling, or using biodata, mandatorily and without consent, violates bodily integrity, informational self-determination, and personal autonomy. They were barred from arguing on grounds of privacy, because the government insisted that there is no such thing, and that the nine-judge bench hearing that matter should first come to a decision.

In fact, the government took an obnoxious anti-people, anti-rights legal stand, arguing that the idea of privacy was bogus, that the Constitution deliberately left it out, that the Indians did not need privacy because they told their life stories within five minutes to strangers on a train, that the poor did not care about privacy and were too backward to deserve it, that it was an elitist concern, that it impeded transparency and social justice. It argued that making privacy a fundamental right would open the floodgates to litigation.

Damn straight it will.

This judgment is, of course, a much-needed boost for those challenging Aadhaar while the government and its cheerleaders sing loud hosannas to an intrusive data *raj* in the name of prosperity and national security. Keep your eye on those hearings, good people, if you oppose legal sanction for state surveillance and non-consensual data access.

But *Justice K S Puttaswamy (Retd) vs Union of India* is not a judgment so much as a legal earthquake. It explicitly overturns the infamous 1976 *ADM Jabalpur* ruling, which allowed Articles 20 and 21 to be suspended in a situation of Emergency. (Historical frisson: Justice Chandrachud *fils* overturned Justice Chandrachud *père*.) It places sexual orientation in the realm of privacy, eloquently shredding the illiberal reasoning in the *Koushal vs Naz Foundation* ruling, which junked LGBTQ rights. It is now probable that LGBTQ Indians will win an absolutely foundational victory.

The judgment touches on many things that liberal-minded Indians have been growling about — what we eat and wear, whom we love, what we say to whom, what we are forced to do in school. I'm not a lawyer, but it seems to support challenges to such momentous things as the beef ban, and those who would impose social vetoes on food or thought and expression, and would force religious compliance, social homogeneity, and brute nationalism.

It is, in sum, a clear, elegant, and rousing reaffirmation of India's best liberal, rights-based, pluralist, Constitutional values. It comprehensively rejects majoritarianism, restrains the state from overreach and impunity, and reinstates the individual as the autonomous building block of national life, with a "right to be let alone".

The judgment dropped on India like one of those faraway megatonne bombs that isn't heard so much as felt as a blast wave. It isn't yet law; it merely sets the ground for law that the government must now pass. Its contours will continue to evolve on a case-by-case basis. Like all fundamental rights, it is subject to reasonable restrictions, which will be much debated. But for hundreds of millions of Indians, Thursday August 24 was a great day.

Days like this are rare at a time when justice can be so perverted that a state prepares for shutdown and puts the army on standby in the face of bullying threats because an alleged rapist might be pronounced guilty. It was a day when Twitter felt like a warm bath of endorphins, and right-wing trolls were too flattened to fling faeces. The government did make a contemptible spectacle of itself, trying to claim credit for what it brazenly opposed, but that's all right, we all needed a good laugh.

The euphoria that this judgment produced, the goosebumps and lightness, is how citizens want to feel — validated, free, joyous, and hopeful about India.

And it proved the power of a single person with initiative. I'd like to envelop 91-year-old Justice K S Puttaswamy (Retd) in my arms, and give him the hug of his life.