

Good Riddance to an Unequal Practice

The court has done right to quash triple talaq

The Supreme Court's majority verdict declaring triple, or instant, talaq unconstitutional is an important, albeit limited, victory for Muslim women in India. It aligns India's Muslim personal law, in this regard, with the law in most large Islamic nations that have already outlawed triple talaq, including Pakistan and Bangladesh. It opens the door for a serious engagement towards creating a civil legal code based on the principle of equality.

For women of Muslim faith in this country, the judgement marks a first important step. But there is still a long way to go. The judgement focused on a single issue, the triple instant talaq, or talaq-e-biddat, a frequent method of divorce among Sunni Muslims in India. It does not address issues like polygamy or nikah halala, or even the unilateral privileging of men in two other routes of divorce: talaq-e-ahsan and talaq-e-hasan. Personal laws of other religious communities, Hindus and Christians, have gone through renditions to address some concerns relating to gender equality in matters of inheritance and polygamy. Despite the gains, gender equality does not permeate all aspects of civil law. The triple talaq judgement presents an opportunity to initiate a debate on putting in place a uniform civil code that brings equality — across faiths and gender.

The government should ask the Law Commission to review all personal/civil laws to ensure that these do not violate the fundamental rights guaranteed to all citizens by the Constitution. In doing so, care must be taken to strengthen democracy, rather than weaken it.

If any attempt to modify personal laws is seen not through the prism of gender equality and inter-community parity, but from a perspective of imposing the majority's will over minorities, that would vitiate democracy. This depends not just on the modifications proposed in person-all but on the overall developments in the polity. Political parties would do well to not stoke sectarian passions in the name of personal laws. Ridding laws and practices of patriarchal privilege is not easy, but essential to move towards a more wholesome democracy.



Merger Drama and Fragile Tamil Dreams

Two factions of Tamil Nadu's AIADMK party have come together, attempting to fill a J Jayalithaa-size hole after her death earlier this year. E K Palaniswami of AIADMK (Amma), the standby incumbent, will continue as chief minister. His rival O Panneerselvam will be accommodated as deputy chief minister. It is common knowledge that the reconciliation was brokered by the BJP, in power at the Centre. The BJP believes that its role as dealmaker between the two factions of AIADMK and support to keep it in power in Chennai, will allow it to get a toehold in the southern state.

Elections for the assembly are due only in 2021. But Lok Sabha polls are due in two years, and Tamil Nadu's 40 seats, 39 of them now held by the AIADMK, are crucial for the BJP. Its managers like Amit Shah know that an alliance with the AIADMK might enable the party to make inroads into India's vast southern peninsula. Yet, there are two reasons why the gamble might fail to yield results. One, a third, disgruntled AIADMK faction, led by TTV Dhinakaran, nephew of Jayalithaa's aide Sasikala, claims the support of 20 elected lawmakers. Sasikala is behind bars on a case related to disproportionate assets. If Dhinakaran withdraws his lawmakers and sides with the main opposition party DMK, the incumbent government could fall.

Two, even if this does not happen, the BJP is firmly identified as a north-Indian outfit by Tamil voters. For decades now, the latter have consistently voted for Dravidian parties, relegating even the once-powerful Congress to the margins of electoral politics. The BJP cannot be faulted for its attempts to break new ground. But the tremendous uncertainty that has gripped Tamil and AIADMK politics casts a long shadow over administrative stability and governance.

The current craze for Persea Americana is fuelling a pan-Pacific crime wave

The Strange Case of the Missing Avocado

Unholy guacamole, or bootleg avocado, may seem unlikely but recent incidents certainly suggest otherwise. Avocado may not be the new caviar — cauliflower has grabbed that honour — but it ranks right up alongside turmeric as a beauty aid and a magic preventive for everything from cancer to brain disease. Eat it or slather it, avocado is becoming indispensable. Given that its consumption is skyrocketing, with social media sites in particular ODing on avocado toasts and advice on how to not slash palms while pitting the fruit, heists of Persea Americana are almost a no-brainer. Just a few months after some Californian workers pilfered \$300,000 worth of avocados to sell on the sly — how the grey (green) market works is still unclear — comes the news that enterprising thieves in New Zealand are selling contraband avocado on Facebook after last year's police crackdown on illegal roadside kiosks selling them. Australia has also been recording a rise in avocado larceny. India's production of "but-terfruit" has evidently not reached purliovable scale yet.

The pan-Pacific avocado crime wave is obviously fuelled not only by fast-rising prices but also frequent scares of an imminent gaucalypse, triggered by Trumpspeak about a wall between the fruit producers and their most lucrative market. No wonder millennials are allegedly saying, "Hold my avocado."

CURSOR Removing gender injustice would only strengthen minority rights in India

Divorcing a Minority Debility



T K Arun

Triple talaq has been quashed by the Supreme Court. A small step for gender equality and in the slow march of the Indian polity towards realising the principles of liberal democracy that guide the Constitution. And a gleeful leap for joy for those whose political project is to put 'pampered minorities' in their place.

Yet, the ideal of a uniform civil code for the entire country remains a distant goal. It cannot come by a court ruling and the political will to legislate one is conspicuous by its absence. At a time when vigilantism is on the rise and a deceased suspect in the killing of a man on the suspicion that he stored beef in his fridge is honoured as a martyr, you cannot blame anyone for seeing pursuit of a uniform civil code as a move to further disfranchise religious minorities.

For Muslim Women

To put things in perspective, this is not the first time a personal law has been modified by the courts, to advance the cause of gender equality. Notably, the Kerala High Court had struck down provisions of the Christian personal law that denied women the right to a share of their parental property, without inviting any wrathful shower of fire and brimstone on the court or condemning one of the world's earliest group of Christians

to eternal damnation. The majority of Muslims would welcome a formal end to the practice of triple talaq, but would be unhappy that the courts have interfered in what they have been led to believe is a matter of their faith. This is something that the political class must engage with.

The five-member Constitution bench did not reach a unanimous decision on the matter. The three judges who supported quashing triple talaq did not follow the selfsame logic to reach that decision. Two held this provision of the Muslim personal law to be arbitrary and, therefore, violative of the Constitution. One held the provision to be bad in law because the overwhelming purport of Quranic injunctions on divorce is for fair treatment of the woman.

The two judges who gave the minority view that it requires legislation rather than a court decision to remove triple talaq also strongly disapproved of the practice. Triple talaq is on the rise and a deceased suspect in the killing of a man on the suspicion that he stored beef in his fridge is honoured as a martyr, you cannot blame anyone for seeing pursuit of a uniform civil code as a move to further disfranchise religious minorities.

The judges have thrown the door open for challenging the two remaining methods of divorce in the Muslim personal law on grounds of violating the right to equality. The chief justice, one of the authors of the minority view, specifically referred to the government counsel's statement that the first two methods of divorce, talaq-e-ahsan and talaq-e-hasan, too privilege the male and, thus, violate the right to equality, while calling



No more mannequins

upon the legislature to find a remedy by changing the law.

Champions of gender justice or those who would like to remove any provision for men to seek divorce in the Muslim personal law, to force the legislature to take up a fresh law, could challenge talaq-e-ahsan and talaq-e-hasan, also, on grounds of discrimination against women.

For Muslims as a Whole

Too long has the polity been made to accept the make-believe that faith is a valid reason to deny some sections of the citizenry the full range of rights they are entitled to under democracy. Democracy is the bedrock of minority rights in a polity. Any attempt to carve out democracy-less enclaves for followers of a minority faith ends up eroding minority rights and degrades democracy in general.

When the king of ancient Kochi sheltered Jews, Christians, Muslims and a host of other non-Hindu communities in his Hindu kingdom, he did so on the strength of royal patronage, and a social tradition of accommodating multiple gods and forms of worshipping them. Multiple non-Hindu communities were free to live

according to their custom, so long as they did not interfere with the working of the state.

In modern India, state patronage is not the basis for multi-cultural co-existence. The basis is now a collection of rights codified in the Constitution. And the reason why Article 25 of the Constitution guarantees citizens the freedom to profess, practice and propagate the religion of their choice, subject only to public order, morality and health, apart from other fundamental rights, is that what distinguishes democracy from majoritarianism: the majority cannot use their numerical strength to take away the rights of the minorities.

The stronger democracy as a whole, the stronger the protection of minority rights. Conversely, the weaker democracy gets, the greater the threat to minority rights.

Denying women democratic rights in the name of protecting religious custom weakens democracy and erodes minority rights. Endangering minority rights to defend medieval patriarch would be the most egregious mistake of all.

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Minority rights depend on the strength of India's democratic framework; and defending male privilege in the name of faith only weakens that framework

TRUMP SPEECH ON AF-PAK

Not Much South Asian Comfort



Pinaki Bhattacharya

It was touted as the latest US strategy towards South Asia. And, we were told by US Secretary of Defence James Mattis, that the Camp David meeting last weekend was a culmination of many months of review of US policies for the Afghanistan quagmire. So, expectations were high in the four capitals of Kabul, Islamabad, New Delhi and Beijing.

But US President Donald J Trump let South Asia down. He talked about an increased US commitment to Afghanistan — more boots on the ground. There were no numbers mentioned of fresh troop deployment, for that is a potential minefield in hyperventilating Washington.

US House of Representative Speaker Paul Ryan, who was briefed earlier about what to expect from Trump's current trumpeteering, almost called

ed it prescient that the US President has called the latest strategy to be not time-based but "based on condition" — which means, as Trump explained, "condition on the ground".

Lessons on conflict resolution state that one needs to divine an acceptable 'end state' before one sets the conflict-machine chugging. But it seems that Republican presidencies have not learnt the studied moves of the Nixon-Kissinger team. Instead, they seem as expansive as the Reagan administration that was too busy defeating the Soviet Union, thus making itself hostage to the Chinese economic miracle.

Which meant Ronald Reagan's successor, George H W Bush, losing his presidency to 'It's the economy, stupid!' rhetoric of Bill Clinton. The burgeoning US public debt that Beijing continued to feed — as reflected in the trade surplus — shows in the lack of 'strategic autonomy' that Washington had enjoyed since World War 2. George W Bush tried his hand in unilateralism, but ended up going down in American history books as a creator of not one, but two Vietnam wars in Af-Pak and Iraq.

Trump's speech was devoid of any



What? You weren't moved to tears?

substance that could stir up the Indian subcontinent's own 'studio empire-builders' to reach for their TV microphones. And what did Trump tell Pakistan that could make the tinpot generals of Rawalpindi quake in their boots? "In Afghanistan and Pakistan, America's interests are clear: we must stop the resurgence of safe havens that enable terrorists to threaten America, and we must prevent nuclear weapons and materials from coming into the hands of terrorists and being used against us, or anywhere in the world for that matter."

Boilerplate words those. Thus, shorn of the finesse of a leader like Pervez Musharraf, Pakistan's generals

would rather have Beijing continuing its indulgence and play mediator for them.

Trump's speech does very little for the confidence level of New Delhi, which is watching each muscle of the latest actor on the stage of Indo-US relations. There will be a holding operation that would be launched in New Delhi in the wake of this speech. Not much extra commitment of India's foreign exchange dollars will flow that Trump was hopeful of steering to Afghanistan. Of course India would be doing its 'best'. But that 'best' would fall short of Trump's expectations.

So, this speech was really about the domestic audience: not Trump's own white and blue-collar electoral base, but the Establishment, whose leading lights are now firmly in the Indian camp. This was evident in the penultimate days of the Barack Obama administration when former Secretary of Defence Ashton Carter got the 'blank cheque' of the Defence Authorisation Act passed by the US Congress. That may have evoked some fraught memories. But Pentagon can play around with it, military-industrial complex or no military-industrial complex.

RED HERRING

Are We Soft on Never-Go-Letters?



Indrajit Hazra

Everybody and their auntie are having a go with their sharp stick at the Right Honourable N R Narayana Murthy. The man's a kook, they say, putting a Chosen One on the Iron Throne and then treating him like a bekaar damaad. That NRN, once having decided (twice, actually) to walk into the sunset, is once again caught acting like a 'benevolent well-wisher' from some Spartan I-m-not-Vijay Malya getaway and pulling the strings till the puppet decides to walk away.

That Master Yoda is the one who needs to walk away — and stay walked away — has been the general consensus from the chorus line. I mean, who likes the younger generation to be brought in with moderate fanfare, and then have the same younger generation (slightly older by then) shunted, for well, being young and stupid? Answer: India 2017.

Being stupid is what NRN has really been accusing Vishal Sikka, hand-picked as MD-CEO in the summer of 2014, of. According to Murthy and his fellow Infyainers, Sikka is responsible for Infosys's shipwrecking spluttering train. If Clark 'Nagavara Ramarao' Kent had not coaxed himself

into bringing Murthyman out of retirement, the spluttering train was sure to become a train wreck, goes one theory.

But my heart, despite all the flak he's facing, goes out to NRN. It's not because I don't agree with his critics. Yes, Sikka's Infosys ship isn't the same Infosys raft that the Seven Samurais led by Murthy-san launched from the harbour in 1981. For starters, the software field had only a handful of players to contend with. Plus, the post-BPO world of technology has changed faster than Infy may have had. Also, Infosys was really a startup before any startup invented the word 'startup'. So, making the rules then was more fun than keeping the rules now. And despite the mantra about 'Learning how to fail, learning from the failures' blahblahlah, Indians,



Time's up! Holding back is for pussies

especially India Inc, still don't like rules being (seen to be) broken, and are loath to allow things to fail. Intervention is a constant nanny in the form of concerned 'elders' in the background, or pusillanimous gatekeepers in the front.

But let's face it. Is Murthyman the only one who likes holding on to the reins even when he has passed them on? More importantly, is our culture not a wee bit bonkers when it comes to allowing 'elders' to linger, and then meddle so that they can have their cake, eat it, and then complain about the icing too?

Amitabh Bachchan, thankfully, picks and chooses his roles better these days. But I remember a whole decade when toupee not in hand, he was offered roles — which he accepted — that fit him as snugly as a glove fits a goat. Even as an admirer of Sachin Tendulkar's cover drive, the less said about how he reached his 100th international century, courtesy the BCSCI (Board of Control for Sachin's Cricket to Inspire), the better.

In politics, of course, we find the original trendsetters. Any politician saying that he or she will now make way for 'new blood' either has no clue about transfusion, or is making a strategic move. Let's just say that in the Congress, this rule applies if your surname happens to be the same as Sonia Gandhi's. A free hand given to a Scindia or a Pilot or even a Singh is as plausible as the queen of England making way for her eldest son while she (and he) is still alive.

In the BJP government, the 'holding on to the reins' quality is marked by the quantum of policymaking-and-breaking powers ministers have in a Shah-sprayed Modi government. That could, perhaps, maybe, possibly explain the current disinterest in the impending Cabinet reshuffle. In regional parties, too, sharing responsibilities, or passing the pillow down the ranks of Didis and the ghosts of Ammas is not just frowned upon, but proactively resisted as the recipe for 'chaos'.

We like our busybody tauts the same way we extol our workaholics. So, if Murthyman is singled out as a demagogic Nerd-Uncle, it's a bit rich. In the world of films, the Lifetime Achievement Award is given to someone who has crossed his creative pinnacle and reached his creative tether. To drive the message home, this award simultaneously recognises his greatness as well as implores him to take a back seat, preferably of a bus and not a car.

In politics, with governorships and presidencies becoming increasingly political, something new is needed for the over(long)-ambitious. In business, the most anarchic of 'industries', we are yet to change how we treat our founders and family minders. So, till then, before you can say hello to Cyrus the Great and Tata to Xerxes, be prepared for more NRNs not leaving the stage, whether sulking, kicking or squealing.

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Confess and Start Afresh

SUMIT PAUL

Years ago, I sent an article to the editor of a leading English daily in London. It was plagiarised. Though my submission was carried, I had a constant prick of conscience. I also got the remuneration for my plagiarised piece that made me even more ashamed of myself. I took a solemn vow that never again in life would I plagiarise. I stuck to my pledge and never stole someone else's article. Confucius said, 'To confess is to start afresh.' Owing up a mistake cleanses the heart and mind. The burden of guilt gets eased out if not erased permanently. Confession is a cathartic process.

The custom of confession in Catholic Christianity is based on psychological cleansing. We all make mistakes knowingly or unknowingly. To keep on repeating the same mistakes demeans our soul and spirit. But when we confess, we feel elevated because confession is always ennobling. Feeling it from the recesses of one's heart and admitting openly is an experience that cannot be described in words.

The relentless prick of conscience is something that doesn't let you sleep peacefully. A wholehearted, honest confession washes away that nagging burden and nagging sense of doing something wrong. By confessing this, I've that ineffable feeling that I didn't experience when I plagiarised so nonchalantly, nay, shamelessly. Remember, humans are capable of soaring and stooping at the same time.

Once we acknowledge our stooping, we soar high in the sky of humility, morality and rectitude. To quote Henry Wadsworth Longfellow, 'Confess and earn Heaven's Grace.'

Chat Room

Talaq-3 is Dead, Long Live Family

Divorce by uttering talaq three times was cruelty of the top order, and the Supreme Court judgement invalidating 'talaq-e-biddat' is historic. The judgement is a victory for not just humanity but society as well. A democratic country should have one law for all and stop differentiating based on religion or other parameters. The Muslim Law Board should take this judgement positively and work towards an equal society.

S N KABRA Mumbai

The Craftsman Lost the Murthy

Apropos 'Mr Murthy, When You Gotta Go, You Gotta Go' by Omkar Goswami (Aug 22), Infosys founder N R Narayana Murthy's selection of Vishal Sikka was risky because of the cultural differences: foreign-based Sikka needed greater autonomy, while the former played an Indian-style over-zealous watchdog. Moreover, his obsession with his own concept of corporate governance got better of his fair judgement. As Murthy ran the company on personal charisma, he failed to institutionalise the Infosys credo. All this gives the impression of Murthy being akin to a craftsman who quarrels with his tools. It may be too late to salvage the image of the company.



Y G CHOUKSEY Pune

Murthy Chose to be in Minority

Omkar Goswami, who had been on the Infosys board for 15 years, has clearly asked a person who built the organisation from scratch and devoted his life to the company to move out. Had Narayana Murthy been clever, he and his colleagues could have retained controlling stakes, and the board would have been subservient to them, as in some other corporate groups. Murthy expects only value-based corporate governance and transparency that he himself observed all through his life. I believe good sense will prevail on the board.

SATISH AGRAWAL Mumbai

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