

When the State gives in to cults

Strong and timely action could have stopped the Dera violence

The scenes were very much like those in his much hyped films. The spectacle put on by Dera Sachcha Sauda leader Gurmeet Ram Rahim Singh and his followers brought large parts of Punjab and Haryana to a standstill. In the run up to the conviction of Ram Rahim Singh by a CBI court in a rape case, there was such a violent frenzy from his followers that a massive mobilisation by the state had to be undertaken, with trains, schools and telephony disrupted. Despite appeals for calm, his supporters continued their rampage

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after the verdict was announced. But the larger question is how these cults are allowed to become a law unto themselves and how they seem to feel a sense of entitlement of being above the law.

In an earlier case, when the police tried to enter the ashram of a spiritual leader in Punjab who had been long dead but stored in a deep freezer by his followers in the belief that he was in deep meditation, they found themselves facing heavily armed supporters who held them off. This sort of pile up of weapons is not uncommon in these ashrams, and they seem to stay under the radar of the authorities until it is too late. Often, the misdemeanors of these so-called godmen are kept under wraps thanks to the enormous political clout many of them have. In the case of Ram Rahim Singh, he issued calls to his lakhs of followers to support a particular political party in the last round of assembly elections in Punjab. However, whether they enjoy popular support or not, they cannot be unaccountable to the law. The manner in which followers think that they can flout the law is seen from the fact that Dera Sachcha Sauda supporters gathered in huge numbers even after expressly forbidden by the imposition of Section 144. In fact the Punjab and Haryana high court had pulled up the Haryana government for not applying the right clauses of Section 144. "Why was assembly not prohibited?" it has asked.

If Ram Rahim Singh was as keen as he seemed to be that his followers should not create such a public nuisance on his account, he should have reined them in. The fact that the supporters were out in full force was indication that this had at least his tacit approval. The authorities need to take a look at how such cults become almost uncontrollable and stop them from any unlawful activity. Deploying the resources of the state to ensure peace over one man's conviction seems not just a huge waste but inefficiency in managing law and order in the first place.

third eye

BARKHA DUTT



The privacy verdict is a manifesto of hope and a celebration of freedom

By conflating privacy with dissent, the SC has made the issue one of constitutional principles

On August 24, less than two weeks after Independence Day, India's Supreme Court magnificently articulated what our freedom really enshrines. The verdict by the nine-judge bench upheld the right to privacy as fundamental and intrinsic to life and personal liberty. But its importance is hardly limited to how the sweeping powers of the Aadhaar programme may—or may not be—restrained in the weeks to come. This scholarly order that borrows from history, economics and even contemporary poetry, is a manifesto of hope, a momentous reiteration of democracy, a celebration of the Constitution, a lesson in liberalism, an elegant but firm warning against State overreach, a new framework for equality, a rousing counter to both populism and majoritarianism, an assertion of India's pluralism and—unusually for India—a profound acknowledgment that the individual—even if she is in a minority of one—has inalienable personal rights.

"Privacy recognises the autonomy of the individual and the right of every person to make essential choices which affect the course of life," reads the judgment. At a time when the hectoring of television news and the reductionism of twitter have spawned hashtag herds who dare not disagree with the so-called majority view, this, in the Supreme Court judgment took my breath away: "... The purpose of elevating certain rights to the stature of guaranteed fundamental rights is to insulate their exercise from the disdain of majorities, whether legislative or popular. The guarantee of constitutional rights does not depend upon their exercise being favourably regarded by majoritarian opinion. The test of popular acceptance does not furnish a valid basis to disregard rights which are conferred with the sanctity of constitutional protection."

These 547 pages—both remind us of the country we are meant to be—and how everything about us could now change—for the better. As the erudite Justice Sanjay Kaul points out—that's the whole point. Comparing the constitution to a "Tree of Rights," he writes, "While the tree appears to be great and magnificent, apparently incapable of further growth, there are always new branches appearing, new leaves and buds growing. These new rights are the rights of future generations that evolve over the passage of time to suit and facilitate the civility of posterity." In other words, the need for the Constitution to be simultaneously eternal and ever-changing is upheld.

How the right to privacy will be applied specifically will obviously be decided on a case by case basis. But by conflating privacy with dignity, diversity, dissent, choice and freedom, the court has widened the issue to a reading of constitutional principles. It's also shown enormous maturity by listing its own errors—what it calls "discordant" notes to songs of freedom. The criminalisation of homosexuality, for one, is all set to be scrapped. "Discrimination against an individual on the basis of sexual orientation is deeply offensive to the dignity and self-worth of the individual," say the judges, shunning a previous verdict. The inspiring intellectual heroism is that of Justice Dhananjay Chandrachud who, writing for four judges, overrules a draconian judgment, delivered in part by his own father former Chief Justice, YV Chandrachud. In 1976, during Indira's Emergency, a 4:1 ruling, which included Chandrachud Sr., decreed that habeas corpus—or the right to judicial review of a detention—could be suspended without contradicting personal liberty under article 21. Calling this order, "seriously



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flawed" Justice DY Chandrachud, strikes it down and also hails then lone dissenting judge HR Khanna for the "courage of his convictions." In an environment of entrenched nepotism and dynastic politics, the sheer grace of this moment must be celebrated.

What's remarkable about this verdict is that it pushes back against every divisive fault-line and stands up firmly against the idea of a nanny State. In words that could have far-reaching implications for beef politics as well as prohibition, Justice Chelameswar writes, "I do not think that anybody would like to be told by the State as to what they should eat or how they should dress or whom they should be associated with either in their personal, social or political life." Consider the

Maharashtra government's appeal in court for the right of the police to raid and search homes of those suspected of storing beef. Now the right to privacy makes the demand untenable.

Now, one can expect a mountain of petitions challenging laws seen to be in violation of free choice. We owe gratitude to the Supreme Court for drawing a lakshman rekha against invasive State power—and for its promise—that no mob will control our thoughts. This as the Judges write is the essence of India: "Democracy accepts differences of perception, acknowledges divergences in ways of life, and respects dissent".

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far & near

KANISHK THAROOR



An economic left turn can right the Congress ship

It's clear that fighting the BJP with identity is not working; the lofty rhetoric of pluralism can't compete with Hindutva

For much of the last few decades, political parties in many democracies have been obsessed with fighting over an imagined middle ground. In terms of economic ideology, the gap between Conservatives and Labour in the United Kingdom, BJP and Congress in India, and Republicans and Democrats in the United States narrowed to the point of insignificance. These establishment parties peddled policies that differed from one another at most in degree, but rarely in kind.

Their electorates grew disaffected with this technocratic consensus. After the global recession, forces on the right were quicker to realise that the old politics no longer held sway. The Tea Party movement in America, the use of Hindutva by the BJP, and the Brexit campaign in the UK were all signs of the withering of that centre. Right-wing forces tilted the electoral map in their favour through appeals to emotion and identity.

In the meantime, centre-left parties have struggled. The Democrats in the United States have now arrayed themselves as a

party opposed to Donald Trump, trying to galvanise support from the president's deep unpopularity.

But they are still largely powerless and rudderless, without control of either national legislative chamber and increasingly marginalised at the state level (69 out of 99 state legislative chambers are controlled by Republicans; 33 out of 50 governorships are Republican). The Democrats have yet to clarify to themselves or to voters who they are and what they represent.

In India, too, the Congress is searching for new moorings after being trounced repeatedly. Shaken by BJP successes, some Congress members from north India have encouraged the party leadership to inch towards Hindutva. I'm glad that idea has been rejected by many within the party, including (in the interest of full disclosure) my father who dismissed this vision of Congress as "BJP Lite."

But a tougher question bedevils the Congress and many other centre-left parties. When framing an economic agenda, should they stick to the centrism that has been the



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norm since liberalisation in the early 1990s, the stance of Tony Blair's New Labour and Bill Clinton's Democrats? Or should the party take up a more robustly redistributive platform, focusing on tackling inequality?

In the global context of centre-left redefinitions, the latter path seems more popular. Take, for example, the Labour Party in the UK. Repeated defeats in the wake of the global recession allowed the emergence of Jeremy Corbyn, a frumpy unabashed leftist.

Though dismissed by the establishment and pilloried in the press, his uncompromisingly left-wing manifesto guided Labour to a much stronger finish in June's general election than anybody thought possible. Labour won in both diverse, urban areas and in whiter, rural and post-industrial parts of the country. Voters, especially young voters,

were attracted to Corbyn's clarity and ideological consistency, a trait that was seen as setting him apart from other politicians.

According to an April poll, the most popular politician in the United States is Bernie Sanders. Nearly 60% of Americans have a favourable view of the self-proclaimed "democratic socialist." Though Sanders failed to beat Hillary Clinton in the Democratic primary, he and his economic platform emerged from the debacle of the presidential election unscathed. Many Democrats at both local and national levels have taken up Sanders' key proposals—including universal health care, higher minimum wages, and free college tuition—and are pushing the party further to the left.

At the same time, external pressures are forcing the Democrats to take left-wing positions more seriously. With no memory of the Cold War era, young people are far more sceptical of "trickle-down" capitalist economics. A 2016 Harvard poll showed that 51% of Americans between the ages of 18 and 29 "do not support capitalism."

The old socialist symbol of the rose has uncannily proliferated across Twitter and other social networks. That virtual enthusiasm has found a concrete outlet. In the last year, dues-paying membership in the previously fringe Democratic Socialists of America has tripled.

India is neither the US nor the UK, and the Congress doesn't need to take its marching orders from trends elsewhere. But it seems clear now that fighting the BJP at the level of identity is not working; the lofty rhetoric of pluralism can't compete with Hindutva. Shifting away from culture to economy by taking a principled left turn may help right the ship.

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NAMITA BHANDARE



What real empowerment for Muslim women means

The Supreme Court judgment on triple talaq has achieved many things, but the one that has received comparatively less attention is this: It reverses the narrative of the oppressed Muslim woman.

The fact that the battle was fought and won by determined Muslim women themselves should help alter the narrative of the singular stereotype—the shadowy figure behind the burqa, illiterate,

disempowered and left to fend for herself.

Ignored by politicians for 70 years since Independence, she is, in fact, perfectly capable of articulating and fighting for her right to be an equal citizen.

But now is as good a time as any to remind ourselves of just how far we still have to travel on the road to gender equality. Now that the cheers have died down (and perhaps been overtaken by another historic judgment on privacy as a

fundamental right), it might not be out of place to ask: what next?

If a law is to be framed by Parliament, what would be the contours of that law? Will practices such as nikaah halala and polygamy go, as demanded by the women in their petition?

In any event, we must ask if a woman's right to equality and dignity must only be defined in terms of marriage and divorce. What about education and livelihood—the real keys to empowerment?

According to Census 2011, 42.7% of India's 180 million Muslims are illiterate—higher than scheduled castes at 40.9%.

When you slice the data to look at gender, 48% of all Muslim women are illiterate, higher than the national average of 44%.

Unlike triple talaq, education is not a nifty slogan but a hard slog.

Yet, as a report in this newspaper shows, the statistics are dire: The enrolment rate of Muslim girls in schools is 40.6% compared to 63.2% for caste Hindus.

In higher education, Muslims account

for just 4.4% of all students despite making up 14% of the population.

Work participation by Muslim women in 2011 was just 14.8%, well below the already low 27% by all women, according to the Sachar Committee.

Politicians who have been vocal in their support of the plight of the Muslim woman must look at real issues of empowerment. How can we plug the gaps in education and literacy?

Can we look at teaching Muslim women skills and other livelihood measures beyond the usual low-income generating tailoring-embroidery to include IT and tech?

Women across India are increasingly articulate about what they want and what their aspirations are. Muslim women are no different: Jobs, healthcare, security for their families, schools for their children.

Triple talaq is a fine victory. But it is not the only one that is needed.

Namita Bhandare writes on social issues and gender. The views expressed are personal

War is not the answer to conflicts between nations of the world

innervoice



CK Rawat

What happens when two men fight with each other? Do they continue to fight until one of them backs off or do they approach concerned authorities to get the issue resolved?

What is happening in different parts of the world today is not something one hopes to see in a civilised modern world. Even though countries are endowed with knowledge, intelligence and wisdom, the volatility they express is unexpected.

The fact of the matter is that there can only be bilateral agreements between two states; there can be no soluble bilateral issues. Long standing bilateral issues can only be resolved by independent objective agencies, which should be approached by one or both the fighting parties.

The question is not who is weaker of the two but who is wiser of the two. Almost all the countries of the world are signatories to the statute of the International Court of Justice. Therefore, there seems to be no reason why its decision would not be complied with by the countries involved. War is certainly not the answer.

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