



## Secret agent

JD(S) maintains equidistance from the BJP and Congress to maximise post-poll options

A kingmaker with only one option is no kingmaker at all. The Janata Dal (Secular) is probably headed for a third-place finish in Karnataka, but is banking on making its seats count in a hung Assembly, which many opinion polls suggest is likely. The party's 'secular' outlook did not prevent it from partnering in a coalition government with the Bharatiya Janata Party in 2006; notwithstanding the protestations of patriarch H.D. Deve Gowda, another such arrangement between the two parties cannot be ruled out. Mr. Gowda likes to put all the blame on his younger son, H.D. Kumaraswamy, for the 2006 partnership and vows it will not be repeated. But the reasons that drove the party to join hands with the BJP at that time have not disappeared now. The support bases of the two parties are in different regions, with the JD(S) confined to Mysuru and southern Karnataka where the Vokkaligas have a strong presence. The BJP relies heavily on the Lingayat vote in north and central Karnataka. Therefore, neither party is fearful of conceding space to the other. The Congress remains the principal rival for both. Although the 2006 experiment ended badly with Mr. Kumaraswamy refusing to keep his end of the bargain, senior BJP leaders are not likely to let the past hold the future hostage.

Indeed, Prime Minister Narendra Modi indicated as much when he praised Mr. Gowda, and sought to blame Congress president Rahul Gandhi for not showing the JD(S) leader enough respect. This might have been intended to send separate signals to JD(S) leaders and the BJP cadre. One, that the BJP is still willing to do business with the JD(S). Two, that in constituencies where the fight is between the Congress and the JD(S), the BJP, rather than finish a close third, would have the JD(S) win. Not surprisingly, both Mr. Gowda and Mr. Kumaraswamy have sought to downplay Mr. Modi's remarks. Too much proximity to the BJP prior to the election is not going to help the JD(S), which would like to keep its supporters interested in the contest as a three-way fight. Prior to its coalition with the BJP, the JD(S) had indeed been in a coalition with the Congress, but the prospects for such a situation have dimmed in the years since. In addition to its concerns of the Congress encroaching on its political space, the JD(S) has one other difficulty: the rise of Siddaramaiah in the Congress. The Karnataka Chief Minister was earlier a front-ranking leader of the JD(S), and his rebellion remains a sore point with Mr. Gowda and his son. But depending on the nature of the verdict, it will not be averse to building bridges with a Congress without Mr. Siddaramaiah, even if only to increase its bargaining position with the BJP. Without doubt, the JD(S) is the unknown agent in the political mix.

## Targeting Tehran

Israel's so-called revelations make no case to junk the Iran nuclear deal

The timing of Israeli Prime Minister Benjamin Netanyahu's claim that Iran had a robust nuclear weapons programme is not lost on anyone. On Monday, Mr. Netanyahu shared thousands of documents related to Iran's nuclear programme at a time when U.S. President Donald Trump is considering ripping up the Iran nuclear deal. Mr. Trump, who has never hidden his opposition to the deal signed by the Obama administration with Iran and five other countries, is expected to take a decision before May 12. The documents Mr. Netanyahu cited were stolen from Iran by Israeli spies, and suggest that Iran had a robust nuclear weapons programme before the multilateral deal was signed – while Iran had always maintained that its nuclear programme was for civilian purposes. Mr. Netanyahu argued that the documents pointed to an act of deceit on Iran's part, a claim the U.S. immediately backed. But Israel's opposition to the Iran deal is not new. The Obama administration had gone ahead with multilateral talks with Iran despite opposition from two of the U.S.'s strongest West Asian allies, Israel and Saudi Arabia. But with the new U.S. administration under Mr. Trump taking an increasingly hostile line towards Iran, Israel has also stepped up its attack on the nuclear deal. Mr. Netanyahu's 'revelations' are clearly aimed at setting the stage for, and influencing, Mr. Trump's big decision on the deal in the coming days.

The problem with Mr. Netanyahu's presentation is that it relates to a pre-nuclear deal Iran. Even if the documents are authentic, they suggest that Iran had a nuclear weapons programme. There is no indication that Iran has violated the terms of the Joint Comprehensive Plan of Action, the international agreement signed between Iran, the five permanent members of the UN Security Council, and Germany. Even the Trump administration, which backs Israel's claims, doesn't say Iran is in violation of the nuclear deal. After Mr. Netanyahu's press conference, the International Atomic Energy Agency too said it has no credible information to show that Iran has violated the agreement. So if Iran indeed had an active weapons programme as Israel claims, the nuclear deal has ended it. This only bolsters the argument in favour of the deal. In other words, the U.S. and Israel are yet to make a convincing argument on why the Iran deal should be scrapped. But if Mr. Trump does pull the U.S. out of the pact and reimposes sanctions on Iran, that would be a disincentive for Tehran to stay in compliance with the agreement. So, practically, if Mr. Trump decides to pull out of the Iran deal, it would start the unravelling of an agreement that nobody has violated. The U.S. should assess the agreement based on its merit and outcomes, not on narrow geopolitical or ideological calculations.

# A pattern of impunity

The problem with the SC/ST Act is the failure of the criminal justice system to recognise its own casteist biases



G. SAMPATH

For India's Dalits and Adivasis, May 1 this year was a 'May Day' in more ways than one. It was May Day, the day to commemorate the labour movement (the vast majority of them do belong to the working classes), and also 'mayday' in the maritime sense, an occasion to broadcast their distress over a life-threatening emergency.

Dalit and Adivasi rights organisations observed May 1 as 'National Resistance Day'. The immediate trigger was the Supreme Court order of March 20 on the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereafter SC/ST Act). Protest meetings held across the country had three demands for the government: neutralise the Supreme Court order through an ordinance that would reinstate both the SC/ST Act and the SC/ST Amendment Act, 2015, in their original form; include both these laws in the Ninth Schedule to protect them from judicial review; and release all the Dalits arrested on April 2 when a 'Bharat Bandh' was observed to protest this Supreme Court order.

### The Mahajan case

A lot has already been written on why the Supreme Court order is prejudicial to the cause of justice for victims of caste atrocities. But the underlying case that triggered the controversial judgment hasn't received enough attention. It might be instructive to briefly consider the facts of this case, *Subhash Kashinath Mahajan v. the*

State of Maharashtra.

The dispute arose in 2007, when Bhaskar Gaikwad, a store-keeper in a government college in Karad, Maharashtra, wrote to the State government highlighting alleged illegalities committed by Satish Bhise, the college principal. Mr. Gaikwad is from the Scheduled Caste (SC) community, Mr. Bhise is a non-SC person.

In April 2008, Mr. Gaikwad stated in his annual confidential report (ACR) that he had brought to light certain irregularities in the procurement of materials for the college. When Mr. Gaikwad's reporting officer, Kishor Burade (also a non-SC person), saw it, he allegedly entered false information in the ACR about Mr. Gaikwad's performance as well as some casteist remarks about his character. Mr. Bhise, too, allegedly made mala fide comments against Mr. Gaikwad in the ACR.

When Mr. Gaikwad became aware of these remarks in his ACR, he filed a first information report (FIR) against Mr. Bhise and Mr. Burade under the sections of the SC/ST Act that penalise a non-SC person for giving a public servant false information that could harm a SC person. Since the accused were Class I officers, the police applied for sanction to prosecute them.

Subhash K. Mahajan, who was then the Director-in-charge, Technical Education, Maharashtra, wrote to the investigating officer denying sanction for prosecution, even though he did not have the authority to make that call.

Following Mr. Mahajan's refusal to grant sanction for prosecution, the police in 2011 filed a C-Summary report on the case, which means that the case is "neither true nor false". Mr. Gaikwad claims that he was not informed of this fact by either the police or the



courts for more than four years, even though they were required by law to do so.

When he finally found out about the C-summary report in early 2016, he filed another FIR, this time against Mr. Mahajan, charging him with knowingly shielding persons accused of a crime against an SC person. This too is an offence that attracts the provisions of the SC/ST Act.

In August 2016, the defendant (Subhash Mahajan) approached the Bombay High Court asking for the FIR to be quashed on the grounds that the charges against him were false and frivolous. The High Court not only refused to quash the case but also ruled that "there are sufficient safeguards in the Act itself which guarantee protection against frivolous and false prosecution".

The defendant then filed an appeal against this decision in the Supreme Court. The apex court, instead of concerning itself solely with the merits of Mr. Mahajan's appeal, dramatically expanded the ambit of the case, noting, "The question which has arisen in the course of consideration of this matter is whether any unilateral allegation of mala fide can be ground to prosecute officers who dealt with the matter in official capacity and if such allegation is falsely made what is protection available against such abuse."

In the name of protecting innocent non-SC persons from being

victimised by false complaints under the SC/ST Act, it laid down three guidelines that nullify key provisions of this law: it removed the bar on grant of anticipatory bail; even though the Mahajan case only concerns public servants, it ruled that where the accused is a non-public servant, the police may make an arrest only after approval by a senior superintendent of police; and it held that before registering an FIR, the police may conduct a preliminary inquiry to ascertain the veracity of the complaint.

### Setback for SC/STs

Taken together, the three changes neatly reverse the original mandate of the SC/ST Act: instead of immediately registering an FIR and investigating the accused, the police would now immediately doubt the Dalit and investigate her complaint for veracity, and what's more, they are required to do so by law.

One might assume that special guidelines to curb false allegations would be sparked by a case where false allegations have been proven. But that is not quite the case here. The apex court's judgment does not engage exhaustively with the allegations made by the original complainant, Mr. Gaikwad, against the defendants, Mr. Bhise, Mr. Burade and Mr. Mahajan.

In fact, Mr. Gaikwad has presented three fresh applications to the Supreme Court: one to prosecute Mr. Mahajan "for filing a forged English translation of the original Marathi FIR"; one seeking recall of the March 20 order on several grounds, "including fraud on the Hon'ble Supreme Court of India by not filing the full text of the FIR"; and one "seeking calling of original records from the Hon'ble Bombay High Court". These applications were tagged and list-

ed along with the Central government's review petition.

By far the most disturbing aspect of the court's order is the idea that poor conviction rates and high acquittal rates suggest a high number of false cases. Can we apply this logic, say, to the acquittals of all the accused in the Kilvenmani massacre (Tamil Nadu, 1968, 44 Dalits killed), Tsunduru massacre (Andhra Pradesh, 1991, eight Dalits killed), Bathani Tola massacre (Bihar, 1996, 21 Dalits killed), Laxmanpur-Bathe massacre (Bihar, 1997, 58 Dalits killed), Shankarbiga massacre (Bihar, 1999, 23 Dalits killed), to mention just a few of the most infamous instances of mass acquittals? Do these acquittals mean that the cases against the accused were false? Or do they suggest a pattern of bona fide impunity for crimes against the Scheduled Castes?

The SC/ST Act and the SC/ST Amendment Act hold enormous significance for Dalits not because they have been effective in protecting them from caste injustice; not at all. If they are cherished despite their poor conviction rates and shoddy implementation, it is because their very existence is a testament to Dalit agency in a heavily casteist society, and a powerful affirmation of the community's faith in the Indian Constitution.

The problem with this law is not its supposed misuse but the inability of India's criminal justice system to recognise its own casteist biases. It is, after all, a matter of common sense that in a society steeped in caste, no institution can claim immunity from casteist prejudices or mindset. Sadly, the judiciary has been reluctant to acknowledge the social matrix of jurisprudence in India, which is caste.

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# Into the brave new age of irrationality

The assault on rationality is part of a concerted political strategy



SANJAY RAJOURA

Much has been written and said about the assault on liberal arts under way in India since the new political era dawned. But the real assault is on science and rationality. And it has not been difficult to mount this attack.

For long, India has as a nation proudly claimed to be a society of belief. And Indians like to assert that faith is a 'way of life' here. Terms such as modernity, rational thinking and scientific analysis are often frowned upon, and misdiagnosed as disrespect to Indian culture.

### Freshly minted spokesmodel

In recent years, we have entered a new era. I call it the Era of Irrationality. The new Chief Minister of Tripura, Biplab Kumar Deb, is the freshly minted spokesmodel of this bold, new era.

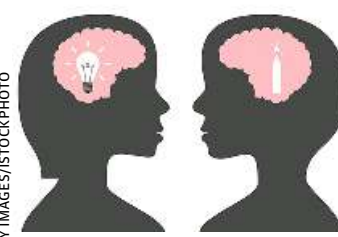
There appears to be a relay race among people in public positions, each one making an astonishingly ridiculous claim and then passing on the baton. Mr. Deb's claim that

the Internet existed in the times of the Mahabharata is the latest. But there have been several other persons before that: Ganesh was the first example of plastic surgery, Darwin's theory of evolution is hokey because nobody has seen monkeys turning into humans, and that Stephen Hawking had said that Vedas have a theory superior to Einstein's  $E = mc^2$ .

Such statements have made us the laughing stock of the global scientific community. But more importantly, they also undermine the significant scientific achievements we have made post-Independence.

We cannot even dismiss these as random remarks by the fringe, the babas and the sadhus. These claims are often made by public officials (it's another matter that the babas and sadhus are now occupying several public offices). The assault on rationality is a consequence of a concerted strategy of political forces. As rational thinking thins, the same political forces fatten.

We Indians have never really adopted the scientific temper, irrespective of our education. It's evident from our obsession with crackpot sciences such as astrology and palmistry in our daily lives. However, in the past four years, the belief in pseudo-sciences has gained a political fig leaf as have



tall, unverifiable claims on science.

The cultivation of scientific temper involves asking questions and demanding empirical evidence. It has no place for blind faith. The ruling political dispensation is uncomfortable with questioning Indians. But at the same time, it also wants to come across as a dispensation that champions a 21st century modern India. Therein lies a catch-22 situation.

So, they have devised a devious strategy to invest in the culture of blind belief. They already have a willing constituency. Ludicrous statements like those mentioned above – made by leaders in positions of power with alarming frequency – go on to legitimise and boost the Era of Irrationality.

An unscientific society makes the job of an incompetent ruler a lot easier. No questions are asked; not even basic ones. The ruler has to just make a claim and the believ-

ers will worship him. Rather than conforming, a truly rational community often questions disparity, exploitation, persecution on the basis of caste, religion or gender. It demands answers and accountability for such violations, which are often based on irrational whims. Hence rationality must be on top of the casualty list followed quickly by the minorities, Dalits, women, liberals. For the 'Irrationality project' to succeed, the ruler needs a willing suspension of disbelief on a mass scale.

### Science v. technology

The vigour with which the government is making an assault on the scientific temper only confirms that it is actually frightened of it. This is the reason why authoritarian regimes are often intolerant of those who champion the spirit of science, but encourage scientists who will launch satellites and develop nuclear weapons – even as they break coconuts, chant hymns and press "Enter" with their fingers laden with auspicious stones.

These 'techno-scientists' are what I call 'the DJs of the scientific community'. And they are often the establishment's yes-men and yes-women.

The founders of the Constitution were aware of this. Hence the words "scientific temper" and "the spirit of inquiry and reform"

find place in the Constitution, along with "secular" (belatedly), "equality" and "rights". To dismantle secularism, dilute equality and pushback rights, it is imperative to destroy a scientific temperament.

The indoctrination against the scientific temper begins very early in our lives. It starts in our families and communities where young minds are aggressively discouraged from questioning authority and asking questions. An upper caste child for example may be forced to follow customs, which among others include practising and subscribing to the age-old caste system. The same methodology is used to impose fixed gender, sexual and religious identities. As a result, we are hardwired to be casteist, majoritarian and misogynist.

The final step in the 'Irrationality project' is to inject with regularity, preposterous, over-the-top claims about the nation's past. It effectively blurs vision of the present.

The world is busy studying string theory, the god particle in a cyclotron, quantum mechanics. But we are busy expanding our chest size with claims of a fantastic yore.

Sanjay Rajoura is a stand-up artist and an atheist

## LETTERS TO THE EDITOR

Letters emailed to letters@thehindu.co.in must carry the full postal address and the full name or the name with initials.

### China strategy

It is time for India to do a "smart balancing" act with China and also rescue the reading of China from defence analysts, security experts and technocrats. China is a neighbour which cannot be wished away and we need to break the grimness of Beijing watchers and celebrate China. Let us stop sequestering China into compartments of trade, security, technology and look at the need for alternative pathways. This obsession with security kills the imagination while democracy and diversity open it up (Editorial page - "When India and China meet", May 3).

C.V. VENUGOPALAN, Palakkad

Ad-hocism appears to be the hallmark of this government's foreign policy. Initiatives such as an off-the-cuff visit to Pakistan, which

proved to be counter-productive, have been based on the erroneous notion that deep-rooted contradictions in the relationship can be overcome through personal diplomacy. "Diplo-hugs" cannot be the barometer by which to measure the effectiveness of India's foreign policy. Relationships with almost all countries in the neighbourhood are in a terrible state. Russia, a proven ally, has drifted away. As for China, the relationship which was more or less on an even keel around 2014, was allowed to deteriorate through mindless rhetoric aimed at bolstering the tough image of the Prime Minister. Current efforts aimed at improving the relationship amount to digging holes and refilling them.

MANOHAR ALEMBATH, Kannur, Kerala

### Dirty air

It is alarming that the World Health Organisation has

ranked 14 Indian cities to be among the 20 most polluted ones globally (Editorial - "Call to action", May 3). This is a serious issue as it does affect countless lives even if it may appear to be invisible. In most of our cities, many of us have come to terms with the need to buy drinking water. In future we may confront a situation where we may need to pay for and use booths dispensing pure air. Policies to fast track the use of electric vehicles should become a priority.

A.G. RAJMOHAN, Anantapur, Andhra Pradesh

It is no surprise that air pollution is widespread in urban India. The state of our public transport such as buses is a separate story. Many of them have poorly maintained engines which result in thick trails of diesel fumes and smoke. The impact of this on other road users and the quality of air is unfathomable, which makes

one wonder whether there are any emission control tests at all. Autorickshaws and two-wheelers are equally harmful. A study in *Nature Communication* (2014) by researchers at the Paul Scherrer Institute in Switzerland showed that "low-powered vehicles (autos and two-wheelers), which form a chunk of vehicles in many towns in Asia, emit more air contaminants than cars and trucks. Emissions from the exhaust of two-stroke vehicles were found to be of several thousand micrograms per cubic metre". As the paper suggests, India needs to set a separate target for hydrocarbon and nitrogen oxides.

GOVARDHAN REDDY, Bengaluru

### Food quality on trains

The details in the report, "Railway vendor fined after video goes viral" (May 3), are shocking. After watching this

clip, I am sure that that every railway passenger will hesitate to order even a cup of tea or coffee. The fine of ₹1 lakh is far too little for the offence committed and one wonders whether the Railways have any idea of the number of passengers affected since the incident took place in December. There should be periodic inspection of food and beverages served on trains and supplied by these vendors. The Railways should also take steps to display the tariff for each food and beverage item in every coach. There is no reason why rail passengers

### CORRECTIONS & CLARIFICATIONS:

A report headlined "Delhi court extends relief to Karti" (May 3, 2018, some editions) erroneously said that the CBI and the Enforcement Directorate registered cases against Mr. Karti Chidambaram in 2011 and 2012.

It is the policy of The Hindu to correct significant errors as soon as possible. Please specify the edition (place of publication), date and page. The Readers' Editor's office can be contacted by Telephone: +91-44-28418297/28576300 (11 a.m. to 5 p.m., Monday to Friday); Fax: +91-44-28552963; E-mail: readerseditor@thehindu.co.in; Mail: Readers' Editor, The Hindu, Kasturi Buildings, 855 & 860 Anna Salai, Chennai 600 002, India. All communication must carry the full postal address and telephone number. No personal visits. The Terms of Reference for the Readers' Editor are on www.thehindu.com