

The gold standard for a Prime Minister

Jawaharlal Nehru's greatness is that the nation often misses his empathy, intellect and competence



D. SHYAM BABU

India's first Prime Minister, Jawaharlal Nehru, is now moving through an eclipse that B.R. Ambedkar experienced and yet emerged from more luminous. During his life, Ambedkar was vilified by both the left and the right, and decades after his death, he was at best ignored. Later jurists and scholars joined his followers to dust up his legacy and recognise him as a guide in political, social and constitutional matters.

That Nehru has lost state patronage is to be welcomed, for that is the only way that a great leader would be able to stand on his feet. Since his family continued to be a part of the party and the government, any celebration of his life and work till recently was suspect. A genuine admirer of Nehru would have been mistaken for a courtier.

The three virtues of a leader

Democracy demands of a leader, especially one who is called to lead the government, to possess three virtues to redeem his pledge. First, he must have a track record of service with humility. The spirit of democracy militates against our notions of 'the leader'. What it requires of him is to submit to people's will while being firmly anchored to due process. Nehru's constant engagement with the masses and his deep sense of national destiny helped him to be a class apart from his contemporary world leaders, especially in the developing world. A less competent leader would be driven either by the mob or become a dictator.

It is always tempting for a leader to flex his muscles lest he be dismissed as a weakling. Democracy affords a leader two choices: either he can assert his position even at the cost of due process to convince others and himself that he's in control, or he can submit to institutional requirements and traditions not so much as constraints on his right to rule but as a sacred obligation to be honoured. Hence, the commitment to the institutions of state forms the second virtue of a leader. That Nehru under-



"People's collective memory will not allow Nehru to fade into oblivion." India's first Prime Minister in Poona on January 3, 1950. *THE HINDU ARCHIVES

stood the indispensability of institutions above personalities is not the only measure of the man; he also recognised the need for a strong Opposition for democracy to succeed.

The third virtue is the quality of the leader's legacy. Can the generations after him fall back on his ideas, traditions and exhortations that he preached and practised? It is fashionable today to ridicule Nehru's non-alignment policy and his belief in a mixed economy, but he formulated these policies not as a figment of his imagination; he tailored them to suit India's position at the time. Though this is not the place to delve into the merits of these policies, one must surmise that Nehru would have admitted to a certain wear and tear of these policies. He was also pragmatic enough to alter or jettison his policies if national interest so warranted.

Thus, Nehru was the complete Prime Minister that none of his successors can hope to be. Having witnessed more than a dozen of his successors in office over the past five decades, one is alive to the fact that no one comes even a distant second to Nehru.

Extrovert and introvert

Over and above any virtue, there is the matter of temperament that gives a leader his character. A complex office like that of the Prime Minister of India requires not one but two divergent temperaments, wherein lies the

difficulty of being a successful Prime Minister. One, it has a front-office function wherein the incumbent must become the face of his government and engage with the masses to explain his policies to draw their support and legitimacy, and also nudge his officials to translate people's aspirations into policy outcomes. One must be an extrovert, articulate and full of vigour to hit the campaign trail every now and then to plead with people why he and his political formation need and deserve their understanding, affections and support. Two, the back-office function of the Prime Minister amounts to the invisible and hence unsung drudgery of reading dozens of files and making crucial decisions. Only an introvert leader (an oxymoron) who is contemplative and familiar with the complexities of governance will be able to discharge this duty.

These two halves of the job expect the incumbent Prime Minister to be simultaneously an extrovert and an introvert. If a Prime Minister fails in his front-office functions, it would produce a political disaster, and a back-office failure would result in paralysed governance or misrule. India's history since Nehru is replete with instances of Prime Ministers who were of either temperament, not both. Nehru remains the only Prime Minister to have discharged these two functions with aplomb.

Among Nehru admirers, there cir-

culates an anecdote which testifies to his dexterity of being a part of the masses while supping with intellectual giants like Arnold Toynbee and Albert Einstein. Nehru as Prime Minister maintained a tradition of having 'personal guests of the Prime Minister' who would stay at the Prime Minister's official residence, the Teen Murti House, in New Delhi for some time. The guest would meet Nehru at breakfast and, possibly, at dinner, and he would have his own engagements. These worthies included historian Toynbee and British physicist and Nobel laureate M.S. Blackett, who advised Nehru on setting up a defence research establishment in the country.

Blackett visited India as many as eight times during Nehru's stint as Prime Minister. On one occasion, during the late 1950s, on being a personal guest of the Prime Minister, Blackett met Nehru at breakfast. It was disheartening to the great physicist that he found Nehru to be distracted, weak and melancholic. Though he answered his guest's questions, Nehru was truly out of his wits, or so his guest thought.

Blackett was sceptical that Nehru could solve the problems of a vast and populous country like India, despite his intellect and commitment to national interest. It so happened that Blackett met Nehru at dinner on the same day. For every minor query, he found Nehru launching into a mini lecture, brimming with enthusiasm.

Blackett wondered aloud: how could a man who was so weak to engage in an informed conversation at breakfast be so vigorous at supper to expound on every question? Pat came the reply: "Oh, I addressed a public rally in the evening!"

A great leader has something timeless about him and he remains consequential. He cannot be deprived of the credit for the services he rendered and the values he stood for, even if his ideas and policies become passé and even if the rulers of the day find his memory inconvenient or unprofitable. Above all, people's collective memory will not allow him to fade into oblivion. Jawaharlal Nehru is one such leader that modern India produced.

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Bittersweet judgment

The U.K. Supreme Court has made the mistake of conflating speech with conduct in the gay marriage cake case



CHINTAN CHANDRACHUD

Bakeries in the U.S. and the U.K. have become the latest sites of contestation about fundamental rights. In June, the U.S. Supreme Court upheld a Christian baker's right to refuse to bake a cake for the wedding of a gay couple. On October 10, the U.K. Supreme Court held that a baker's refusal to bake a cake with a message in support of gay marriage does not constitute unlawful discrimination.

The case at hand

Ashers Bakery in Northern Ireland offered a customised cake service, which enabled customers to provide pictures or graphics that would be iced on a cake. Gareth Lee, a member of an LGBT organisation called Queer Space, placed an order for a cake with a graphic that included the cartoon characters Bert and Ernie (from Sesame Street) together with the words "support gay marriage". After initially accepting the order, the bakery refused to fulfil it and offered a refund on the basis that it was a "Christian business". Mr. Lee took his order elsewhere.

Mr. Lee claimed that in refusing to fulfil his order, the bakery discriminated against him on grounds of sexual orientation and political belief. He succeeded in both courts leading up to the Supreme Court, with the Court of Appeal deciding that businesses could not, based on their religious beliefs, cherry-pick which services they offered to the LGBT community. These decisions (at least in respect of the claim of sexual orientation discrimination) were problematic for three reasons. First, they confused the content of the message with the identity of the customer. Second, the decisions would have produced disquieting consequences, as they would equally oblige a gay or lesbian baker to bake a cake with a homophobic message. Third, they failed to acknowledge that implicit in the freedom of speech is the freedom not to speak – and placing a message on a cake most certainly constitutes speech.

The U.K. Supreme Court has decisively addressed the first two of those concerns in its judgment. The court noted that it was clear on the evidence that the bakery discriminated not against the customer, but against the message. The bakery had served Mr. Lee before, and was willing to sell any of its other confectionaries (or indeed, a cake without the graphic) to him. Support for gay mar-

riage was not a proxy for a particular sexual orientation, as people of all sexual orientations could support gay marriage. The bakery's response would also have been identical had a heterosexual man or woman requested the cake with the same message. Acknowledging that it was deeply humiliating to deny a person a service on the basis of their identity, the court noted that it would, however, do the project of equal treatment "no favours" to "extend it beyond its proper scope".

Contours of the freedom of speech

However, while undertaking its analysis on discrimination on the basis of political belief, the court went much too far in identifying the contours of the freedom of speech in this debate. One of the important arguments was whether a message printed on a cake would be conceived of as speech not just of the customer, but also of the baker. People typically see a sculpture or painting as embodying the message of the sculptor or artist. On the other hand, we are unlikely to assume that a printing shop necessarily associates with the messages of each of the banners it prints. Is the "support gay marriage" cake akin to the painting or the banner? Instead of engaging with this question, the court chose to sidestep it entirely – noting that by simply "being required to produce the cake", the bakery was being requested to express a message with which it disagreed.

Put simply, the court made the mistake of conflating speech with conduct. Baking a cake does not constitute speech in and of itself. If it did, then by the same logic, the local printing shop could legitimately refuse to print banners bearing messages with which it disagrees. The neighbourhood café could refuse to brew coffee for some prospective customers because of the "expressive" element involved that task. The court failed to recognise that it also does no favours to the free speech project by extending it beyond its remit.

In a peculiar turn of events after the judgment was delivered, an agency that was hired to take photographs of the owners of the bakery upon their success at the court refused to complete the project and hand over the photographs. If it is established that they did so based on the sexual orientation or political beliefs of the owners, the photographers could themselves be held liable for unlawful discrimination. The U.K. Supreme Court's observations on free speech, however, might just save them.

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SINGLE FILE

Selective histories

College students should also have a say in the reading material

ANURADHA RAMAN



In 2011, Delhi University's academic council succumbed to pressure and dropped the scholarly essay, "Three Hundred Ramayanas: Five examples and three thoughts on translations", by linguist A.K. Ramanujan, from the curriculum. The essay had been the subject of controversy since 2008, when right-wing organisations objected to some of Ramanujan's findings.

One could argue that DU's academic council could have withstood the pressure, which was exerted by Dinanath Batra and a group of vandals who claimed to be upholders of the Hindu faith. Yet, the Supreme Court was petitioned, and in turn directed the university to examine the suitability of the contents of the history curriculum. Some academics argued that this was a scholarly work that had to be included in the syllabus. But the book was finally excised from the college curriculum.

Over the years, things have changed a little. The pressure now is from the inside and a majoritarian world view is being sought to be foisted on students. Two years ago, for instance, there was a sustained movement by some in the academic council to rid the campus of "Maotist sympathisers". Nandini Sundar's book on Bastar, *The Burning Forest*, was dropped from the reading list. This year, the academic committee has recommended that Kancha Ilaiah's books be dropped from the curriculum. Mr. Ilaiah's books such as *God as Political Philosopher: Buddha's Challenge to Brahminism*, *Why I am not a Hindu* and *Post-Hindu India: A Discourse in Dalit-Bahujan Socio-Spiritual and Scientific Revolution* explore new ideas and are provocative, but such modes of thinking seem to have now become unacceptable.

The systemic excising of books from the curriculum raises questions about the education we wish to provide for those stepping into college after 12-14 years of regimented thinking in the school system. After all, if critical thoughts and theories are not nurtured in campuses, where else should they be put to rigorous scrutiny?

Two years ago, California emerged as the centre of a debate over how to tell the story of South Asia. The California Department of Education tried to update textbooks for Grades 6 and 7. The Indian community was up in arms over what it saw as an attempt to refer to ancient India as South Asia and thus a dilution of the Indian identity. It also insisted on seeing the caste system as a phenomenon of the region and not as a Hindu practice.

Within Indian academia, however, one can appreciate why Mr. Ilaiah's books such as *Why I Am Not a Hindu* are a problem. They challenge conventional thinking, the majority Hindu view, and the caste system as an element of Hindu practice. College students should also have a say in the reading material.

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FAQ

Protecting the tiger's habitat

A large number are living outside reserves, making the species vulnerable

JACOB KOSHY

Why is the death of tigress Avni controversial?

Since 2016, the deaths of 13 people in the Pandharkawda divisional forest of Maharashtra have been attributed to tigers and at least five of them to Avni, a 6-year-old with two cubs. India's wildlife laws permit a tiger which is believed to have preyed on humans to be killed. The State's chief wildlife warden claimed he had evidence. The decision to shoot TI (known as Avni) was taken in January but stayed by the Bombay High Court after appeals by activists. Three more deaths later, the Supreme Court, in September, cleared the way for the forest department to have the tiger killed. On November 2, it emerged that forest officials along with Asghar Ali, the son of

hunter Nawab Shafat Ali, claimed to have chanced upon the tiger which, they said, charged at them. The hunting party failed to tranquilise Avni, as the rules required, and shot at it fatally. Union Minister for Women and Child Development Maneka Gandhi described the killing as "murder", and several activists and some veterinarians have alleged that no attempt was made to tranquilise the animal. The National Tiger Conservation Authority has commissioned an independent team of wildlife experts to investigate the killing.

How serious is the tiger-human conflict?

The killing of a man-eating tigers is a rare but not unprecedented in India. As tigers are India's apex predators and symbols of its success at conservation, the unusual death of even

one tiger causes disquiet in forest departments and among conservation biologists, tourism officials and activists. Out of 553 tiger deaths from 2012 to 2017, 22.1% were due to poaching, 15.4% were seizures, and 62.4% were attributed to natural causes and causes not attributable to poaching, according to information from the Rajya Sabha. India has 50 tiger reserves, but with forest area increasingly spilling into hamlets, there have been several instances of tigers preying on cattle, livestock and, sometimes, people. Days after the killing of Avni, villagers in Lakhimpur Kheri, U.P., crushed a tiger to death with a tractor after it fatally attacked a farmer.

Are conservation efforts adequate?

While there is a larger concern about the

shrinking space for tiger habitat in India, conservationists have also said that a few tiger reserves are being pampered at the expense of others. A recent study by the World Wildlife Fund said that eight tiger sanctuaries in India could, over time, support more than four times the current population of tigers in these sanctuaries. Ullas Karanth, the noted conservationist, has said that it is futile to preserve individual members of a species and that efforts must be made to conserve the species as a whole. Conservationists have also said that "man-eaters" is a legacy term from colonial hunters and incorrect in today's times. Tigers don't actively seek out humans; it is only because of increased contact between humans and animals that there are more conflicts which leads to deaths.

FROM The Hindu. ARCHIVES

FIFTY YEARS AGO NOVEMBER 15, 1968

Madras Court strikes down new phone tariffs

The Madras High Court to-day [November 14, Madras] struck down the revised higher telephone tariffs holding them to be "arbitrary, unreasonable and unjust." Mr. Justice T. Venkataratnam, delivering the judgment, said that to his mind the imposition of fee for each extra call constituted an "intolerable burden." The Department had no power to impose unconstitutional conditions and cause inconvenience and suffering to the citizens who could afford to use telephones for transacting their business. The imposition of the fee manifested "a spirit of unfriendliness towards telephone owners." This was mischievous and productive of hostility. His Lordship observed while disposing of a writ petition which sought a direction to the General Manager, Madras Telephones, to forbear from enforcing the revised telephone rates which came into force in the middle of January, 1966.

A HUNDRED YEARS AGO NOVEMBER 15, 1918.

Piece-Goods Warehouse Guttled.

A disastrous and destructive fire broke out to-day [November 13] in No. 5 warehouse at Princes Dock [in Bombay] and resulted in causing damage to the extent of about half a crore of rupees. The warehouse was opened as usual this morning at 7.30 and the warehouse Manager and his men were working there as usual. Nothing extraordinary was noticed till about eleven when the Manager saw a volume of smoke rising up the sky from the south end of the warehouse and went to the telephone. By the time he returned the whole place from one end to other was in flames. The Port Trust hydrants started work and were soon joined in their efforts by fire engine which arrived within a few minutes. Soon after many other fire engines arrived in rapid succession and Mr. Greenop, Chief of the fire brigade, took up the operations. After strenuous efforts, at about twelve the fire was brought under control. The warehouse was used for storing piece-goods.

CONCEPTUAL

Contact hypothesis

SOCIOLOGY

Also known as the inter-group contact theory, this refers to the hypothesis that people-to-people contact may be a good way to resolve conflict between groups. It was proposed by American psychologist Gordon W. Allport. The contact hypothesis is based on the idea that peaceful and friendly interpersonal contact can help in reducing prejudices between groups and foster better cooperation and friendly relationships. Some believe that such interpersonal contact between people can help reduce conflict by increasing interdependence between the groups. In other words, the cost of conflict increases with greater interdependence.

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