



Alternative dreams

K. Chandrashekar Rao's outreach to regional parties sets the ball rolling on a 'third front'

There are two more phases of polling in the Lok Sabha election and results are not due until May 23. But Telangana Chief Minister K. Chandrashekar Rao, who heads the Telangana Rashtra Samithi, has sought meetings with his counterparts in other southern States as well as with Dravida Munnetra Kazhagam president M.K. Stalin in what is a clear attempt to prepare the ground for a 'federal front' of non-Congress, non-BJP parties after the elections. Mr. Rao had attempted to bring together such a formation earlier as well. Last year, a pre-election federal front did not quite take off due to the varying positioning of the regional parties. Some such as the DMK, the Rashtriya Janata Dal and the Janata Dal (S) favoured a direct alliance with the Congress and were not part of the TRS's plans. While others such as the Trinamool Congress did not fully rule out a post-poll alliance with the Congress, the Biju Janata Dal has not ruled out any such alliance with either the BJP or the Congress. For the TRS, the idea of a federal front is rooted in the political contest in its own State. The Congress is the primary rival in Telangana for the TRS, and so its antipathy to a Congress-led coalition. In fact, the TRS had late last year abstained in the trust vote called by the Opposition in Parliament, signalling equidistance with the BJP and the Congress.

However, by now seeking to meet Kerala Chief Minister Pinarayi Vijayan of the CPI(M), Karnataka Chief Minister H.D. Kumaraswamy of the JD(S) and Mr. Stalin, Mr. Rao seems to be indicating a reorientation of sorts. Some of these parties are the Congress's coalition partners – the JD(S) in Karnataka and the DMK in Tamil Nadu – and the Left has an unequivocal position against the BJP. Mr. Rao's outreach has raised speculation that his party would be willing to be part of a regional front that is clearly more antithetical to the BJP and that could be supported by the Congress if the need arises. It may not be so simple, as there are other forces that the TRS is politically opposed to, such as the Telugu Desam Party, which are likely to be part of a post-poll anti-BJP coalition. The idea of a third front in which the Congress and the BJP do not play a part has always been attractive to the regional parties, and the Left in particular. But despite the continued relevance of regional parties, the resilience of the two main national parties has prevented this from happening. The fact that the TRS could not work out a pre-poll, pan-India coalition to delineate itself from the Congress and the BJP is in itself a signal of this. In the larger scheme of things, all this manoeuvring by the TRS chief might yield little more than some additional leverage for his party in a post-poll situation.

Circle of life

Biodiversity assessments must be factored into all economic activity

The overwhelming message from the global assessment report of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) is that human beings have so rapaciously exploited nature, and that species belonging to a quarter of all studied animal and plant groups on earth are gravely threatened. If the world continues to pursue the current model of economic growth without factoring in environmental costs, one million species could go extinct, many in a matter of decades. Catastrophic erosion of ecosystems is being driven by unsustainable use of land and water, direct harvesting of species, climate change, pollution and release of alien plants and animals in new habitats. While ecosystem losses have accelerated over the past five decades universally, there is particular worry over the devastation occurring in tropical areas, which are endowed with greater biodiversity than others; only a quarter of the land worldwide now retains its ecological and evolutionary integrity, largely spared of human impact. Nature provides ecosystem services, but these are often not included in productivity estimates: they are vital for food production, for clean air and water, provision of fuel for millions, absorption of carbon in the atmosphere, and climate moderation. The result of such skewed policies, as the IPBES estimates, is that the global rate of species extinction is at least tens of hundreds of times higher today than the average rate over the past 10 million years, and it is accelerating alarmingly.

Ecological economists have for years pointed to the extreme harm that humanity as a whole is courting by modifying terrestrial, marine and freshwater ecosystems to suit immediate needs, such as raising agricultural and food output and extracting materials that aid ever-increasing consumption. Expanding agriculture by cutting down forests has raised food volumes, and mining feeds many industries, but these have severely affected other functions such as water availability, pollution, maintenance of wild variants of domesticated plants and climate regulation. Losses from pollution are usually not factored into claims of economic progress made by countries, but as the IPBES assessment points out, marine plastic pollution has increased tenfold since 1980, affecting at least 267 species, including 86% of marine turtles, 44% of seabirds and 43% of marine mammals. At the same time, about 9% of 6,190 domesticated breeds of mammals used for food and agriculture had gone extinct by 2016, and another 1,000 may disappear permanently. Viewed against a shrinking base of wild varieties of farmed plants and animals, all countries have cause for alarm. They are rapidly emptying their genetic resource kit. Reversing course is a dire necessity to stave off disaster. This can be done by incorporating biodiversity impacts into all economic activity, recognising that irreparably breaking the web of life will impoverish and endanger people everywhere.

Begusarai, metaphor of a secular crisis

For the minorities secularism is a survival tool, for the elite it is an ideology. In caste competition, it could be a tactic



VARGHESE K. GEORGE

Begusarai, in the Gangetic plains of Bihar, has long been a stronghold of the Communist Party of India (CPI). Kanhaiya Kumar, the firebrand young leader and former president of Jawaharlal Nehru University Students Union, is the CPI candidate from the Begusarai Lok Sabha constituency. Over the past five years, he has become a national icon of resistance against Hindutva. His candidacy has so inspired opponents of Hindutva that they raised all the money that he could legally spend in campaign through crowdfunding – ₹70 lakh. Actors, academics and activists, an array of people from India's secular, liberal universe campaigned for Mr. Kumar. So did enthusiastic youngsters from all over the country. If Prime Minister Narendra Modi personifies the march of Hindutva in India, Mr. Kumar personifies the resistance to it. And the fight for Begusarai has larger messages than the fortunes of the candidates in the fray.

Collapse of binaries

However, this binary world as imagined by the elite was processed differently in Begusarai, which went to the polls on April 29. "We want Narendra Modi as Prime Minister and Kanhaiya Kumar as MP," said Binod Singh, a 26-year-old belonging to the same upper caste Bhumihar community as the candidate. This view is broadly representative of a significant section of Mr. Kumar's Bhumihar supporters, though the BJP's candidate is also a Bhumihar.

In the triangular contest of the Bharatiya Janata Party (BJP), the CPI and the Rashtriya Janata Dal

(RJD) in Begusarai, the latter two are avowedly opposed to the BJP's Hindutva politics. The RJD is in alliance with the Congress and some other small outfits representing Dalit and backward communities. Its candidate, Tanveer Hasan, is a respectable modernist leader who lost in 2014 but stayed active in the constituency since.

How the principles of secularism and social justice, both components of progressive politics, interacted in electoral politics could be understood in terms of the intense competition among caste-based interests groups for political power over the decades. In the era of Congress dominance in Uttar Pradesh and Bihar, the upper castes that controlled the party roped in Dalits and Muslims with the rhetoric of justice and secularism, but excluded the Other Backward Classes (OBCs) from power. The rise of Hindutva changed this dynamic, as the upper castes were the first to abandon the Congress for the BJP. The emergent OBC politics, with Lalu Prasad and Mulayam Singh Yadav at the helm in Bihar and U.P., respectively, offered an alternative to Muslims as the Congress collapsed. With the support of Muslims, the OBCs realised their decades long yearning for political power.

The Muslim-OBC social combination, with the Yadavs at its core, not merely ended the upper caste hegemony, but also crushed its vehicle, the Congress party. There is no normative exposition or pursuit of secularism in this context, but social justice parties were against Hindutva for its Manuwaad, or upper caste dominance.

From the social justice perspective, the opposition to Hindutva can be summarised thus: upper castes allied with Muslims to exclude OBCs initially; when they abandoned Muslims for Hindutva, OBCs challenged Hindutva, made a social coalition with Muslims that proved enduring, and won power. Muslims were unwitting



participants in this caste competition.

Progressive, oppressive

The elite, vernacular and English, articulated the standards of secularism, but remained disconnected from the dynamics of caste aspirations at play in the electoral arena. The ideologues and leaders of this elite, the Nehruvian and the Marxist streams, have been primarily upper caste. It would be unfair to question their intentions or commitment but the accident of their birth limited their appeal among the subalterns. The role of Bhumihars in Bihar politics is instructive. Several dozens of the Communist movement were from the community, which also had the progressive poet Dinkar among its ranks. But the landowning community also mobilised a private army called the Ranveer Sena, which launched murderous attacks on Dalits in waves of violence in the 1990s, simultaneous with the Muslim-OBC political partnership, and as a reaction to it. If Brahminism denotes hegemony, Bhumiharism represents violent oppression.

That being said, the CPI's Bhumihar candidate won nearly two lakh votes in Begusarai in 2014, which evidently included votes of Dalits and OBCs, for the politics it represents. This wider appeal has been significantly strengthened by

Kanhaiya Kumar's candidacy, notwithstanding the presence of 'Modi-Kanhaiya' voters among his supporters. But the nearly exclusive control of the CPI by a single caste makes it suspect in the eyes of subalterns whose politics it professes to advance. Of the five seats that the CPI wanted to contest as part of the RJD-led alliance, four were for Bhumihars, according to Shivanand Tiwari, RJD leader.

The Muslim elites could bargain with the upper caste-controlled Congress and the backward caste RJD and Samajwadi Party for favours and representation, but their power to do so is in decline with the rise of Hindutva. In any case, the material condition of average Muslims is the lowest compared to other social groups, though the Hindutva narrative portrays them as undeserving recipients of secular appeasement. Even for Muslims who do not subscribe to secularism as a principle, it is a survival strategy in a Hindu majority country. The rise of Hindutva has correspondingly meant a decline in Muslim representation in politics. Security has increasingly become the sole expectation of Muslims from secularism. But the RJD and the SP continue to field Muslim candidates, and in Bihar and U.P., there are constituencies where Muslims can win.

Begusarai is one such, but the contest between the CPI and the RJD put the community in dilemma. An upper caste communist's verve to take on Hindutva is evidently more than a vulnerable Muslim could achieve, and the community supported Mr. Kumar in significant numbers. For security, Muslims are willing to surrender their claim of representation – which, ironically, is the implied demand that Hindutva makes to the community in exchange for security. If Muslims abandon a Muslim RJD candidate, the OBCs and Dalits would rethink their attitude towards Muslims – and the secularism-social justice axis, which has

been a speed-breaker for Hindutva, could collapse.

Politically ambitious OBCs and Dalits prefer Hindutva in which they have representation to a secular nationalistic project that is thoughtless of those ambitions at best and exclusive at worst. Lower caste politics is broadly indifferent to the rhetoric of secularism and their opposition to Hindutva is primarily from a social justice perspective. Many champions of lower caste interests would even grudge that Muslims are indifferent to their struggles against Manuwaad. Hindutva 2.0 under Mr. Modi has cleverly used this dynamic for its rise, by offering them representation though no significant political power.

A progressive politics, of which secularism is a part, and agnostic of all considerations of caste and religion, may be an ideal worth pursuing, but questions of representation for different social groups within it is extremely critical.

The road ahead

In the arena of caste competition, secularism could be an effective tactic; for the minorities it is a survival tool, and for the elite it is an ideology. Reconciling these differing, though not necessarily contesting, perspectives, is essential but difficult as the contest between the RJD and the CPI shows. For secular politics to be sustainable as a winnable electoral platform, it must merge with social justice politics. That requires a negotiation between the self-interests of different social groups as they subjectively perceive them with the normative claims of that politics articulated by the elite. Though they have overlapping traits, their accents are different, and there is even a subterranean hostility with one another. Begusarai is a metaphor of that crisis of Indian secularism.

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A travesty of justice

Judges must not reduce the institution to a private club, whereby they are the last word on their own colleague



THULASI K. RAJ

On May 6, the "in-house" panel of the Supreme Court gave a clean sheet to the Chief Justice of India (CJI), Ranjan Gogoi, after an allegation of sexual harassment was levelled against him by a former female staffer of the court.

Let us assume, for example, that an average employee in a government department is accused of sexual harassment at the workplace. If at the outset reasonable material is found in favour of the complaint, the accused is suspended from employment pending an inquiry. This is considered necessary in administrative law to ensure that the accused does not tamper with evidence or intimidate or influence witnesses. Usually, an independent inquiry will follow which will give both parties an opportunity to present evidence and arguments and to examine and cross-examine witnesses. If

the allegations are found to be true and grave, the accused's employment is terminated; if not, other forms of departmental penalties are imposed.

So why does the entire body of procedural safeguards and legal principles disappear when the accused is the CJI? It was on April 19 that the complainant sent affidavits to the judges of the Supreme Court accusing Justice Gogoi of sexual harassment. The complaint is specific, detailed and supported by documentary and other forms of evidence. The account seems, prima facie, consistent, warranting an inquiry.

Series of flaws

The first reaction was by the court's Secretary General quickly discarding the complaint as one by "mischievous forces". The second was unprecedented in the constitutional history of India. The CJI himself constituted an extraordinary hearing in the Supreme Court, along with two other judges, on a non-working day in a case titled "Matter of great public importance touching upon the independence of the judiciary". The complainant, in her absence, was defamed and her motives ques-



tioned. The highest law officers of the country, the Attorney General and the Solicitor General, joined this judicial proceeding. Within no time, an allegation of sexual harassment turned into a matter of judicial independence.

The third development was the constitution of an "in-house" panel comprising three judges of the Supreme Court. It did not seem to be of concern that to ensure independence of the inquiry and check for bias, members other than judges should have constituted the committee. How can judges inquire into allegations against a colleague, no less the CJI, who is the "master of roster" assigning cases to fellow judges and, most significantly, the highest judicial authority in the country, wielding an enormous amount of power and influence?

The constitution of the "in-house" panel was not in com-

pliance with the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, a special legislation to curb harassment. Nor was not in accordance with any requirements under the existing framework of law. Thereafter, the complainant was forced to abstain from the panel, citing various reasons such as the refusal of the panel to allow the presence of her lawyer, refusal to record the proceedings or to inform her of the procedure followed and prohibition on conveying the details of the proceedings to anybody else, including her lawyer. The panel continued the proceedings in her absence and then met the CJI. Now, the panel has concluded that the allegations are without "substance".

Opaque report

The finding of the panel that the allegations are baseless is the final blow in a process that has violated all principles of fairness, due process and impartiality. The panel's report is not available to the public on reasons of confidentiality. What grounds did the panel cover to reach its conclusion? What evidence did it examine and rely on?

The public have been kept in the dark, having no access to and no knowledge of what transpired in the proceedings. This has happened at a time when the Right to Information Act, 2005 has revolutionised access to information by the public.

The institution of the judiciary has a strong counter-majoritarian character. It is considered neutral – free from self-interests. It is supposed to protect individual rights and adjudicate freely and fairly. But the current episode points to a larger problem in Indian democracy: the emergence of judicial oligarchy. An allegation against a sitting judge is inquired into by three other judges of the court, the accused is exonerated, the panel report is made available only to the CJI and the seniormost judge of the court, and this secrecy is justified by relying on a judgment of the Supreme Court itself. The judges must not reduce the institution to a private club where certain interests are privileged at the cost of judicial integrity.

The Chief Justice of India is not above the law.

Thulasi K. Raj is a lawyer at the Kerala High Court

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.

No review

The decision of the Supreme Court to dismiss a plea by 21 Opposition parties to review its judgment rejecting 50% random physical verification of EVMs must be seen objectively (Page 1, "SC turns down Opposition plea for increased VVPAT verification", May 8). The Opposition's demand was unreasonable and politically motivated even when it has been established beyond reasonable doubt that EVMs are tamperproof. In fact the petition should have been rejected outright. However, the villain of the piece is the VVPAT and simultaneous printing of ballots. With technological advances, it is possible to eliminate the VVPAT altogether. It should be easy to have a screen on the EVM to show the image of the party symbol and simultaneously save it on a

memory chip within the EVM. This can be downloaded to a printer later whenever a candidate challenges the result. This will not only be economical but will also eliminate simultaneous printing leading to a breakdown of VVPATs and the election process. The Election Commission of India (EC) can seek the Supreme Court's approval for the new process.

MADHAVA M. KOTIAN,
Bengaluru

■ The Opposition's sustained campaign, led by Andhra Pradesh Chief Minister N. Chandrababu Naidu, is retrograde. The tech-savvy Mr. Naidu is one among very few politicians in the country to have adopted e-governance and extensive application of technology in day-to-day administrative functions. It's bizarre that now he leads the campaign against EVM use alone. EVM

use has proved to be more transparent and efficient when compared to ballot papers, which could be misused and manipulated. It's hypocrisy on the part of the Opposition to vilify the EVM as every party that has won elections earlier used the same EVM. The Opposition's increased thrust and propaganda over the issue in the midst of the general election is only to explain away possible electoral losses.

N. SADHASIVA REDDY,
Bengaluru

■ The decision is disappointing. With instances of EVM malfunction on the rise, increasing the number of verifications was the least that could have been done. The stock answer of spokespersons of the ruling party, 'that we should not hamper technological advancements and that we should have faith in the

Election Commission', is not convincing. It is baffling how increasing the number of VVPAT verifications holds back technological advancement. If anything, it will contribute to enhancing the credibility of the process. A few additional counting days is a small price to pay for an assurance of transparency.

RATHEESH CHANDRAN,
Thiruvalla, Kerala

■ I recollect what happened in Goa when EVMs and VVPATs faltered on polling day on April 23. One of the most precious rights – the right to vote in a free and fair election, free of fraud and intimidation – was denied to many voters. There was "bragging" for over a month earlier that meticulous steps had been taken to ensure that the election process would be flawless. On the contrary, voters went home frustrated and upset. The judiciary needs to step in and

find out how EVMs and VVPATs have weighed down the election process. If EVMs are not 100% secure, we should return to the ballot paper.

AIRES RODRIGUES,
Ribandar, Goa

The true poll picture

The general election of 2019 will go down in history as one of the most acrimonious ever; the name calling, unwarranted and uncharitable references to the dead, gross violations of the Model Code of Conduct are some examples which have been glossed over by an ineffective EC (Page 1, "PM's comments obscene: Cong", May 8). The desperation to win a decisive mandate is clearly manifest in the low-level diatribes, lies and half-truths being uttered by lead campaigners, unmindful of their stature and position. The EC, which woke up from its slumber, has then proceeded to hand

out "clean chits". With their partisan coverage, large sections of the media too have covered themselves with shame by failing to portray the correct picture of the election.

C.V. ARAVIND,
Bengaluru

Afghan link

That Indian dairy giant Amul will be the official team sponsor of the Afghanistan cricket team at the upcoming ICC World Cup is a matter of pride. Amul is a symbol of rural uplift and empowerment and its association with the fastest growing cricket team is sure to give them a new life. History has it that Frontier Gandhi Khan Abdul Ghaffar Khan visited Amul in 1969. Milk producers from Afghanistan have also made industrial visits to Amul.

M. PRADYU,
Kannur, Kerala

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