



Disquieting decision

The unseemly tussle in the CBI's top echelons reaches an unsatisfactory end

The removal of Alok Verma as Director of the Central Bureau of Investigation is a disconcerting denouement to an unseemly episode. The controversy that began with a public tussle between Mr. Verma and Special Director Rakesh Asthana has ended with the former's removal, although it is couched as a transfer. It was obvious from the beginning that the government did not want him to continue, although it sought to give the impression that it was being even-handed in asking both Mr. Verma and Mr. Asthana to proceed on leave. Mr. Verma's transfer has exposed an uncomfortable truth – that the legal protection for the CBI Director from external interference is not as strong as some had believed. The Supreme Court's judgment makes it clear that as long as such transfers follow a set procedure, the incumbent may be replaced. Though the court declared that no authority, other than the high-powered selection committee, could transfer him, its reinstatement of Mr. Verma was not unconditional. It asked the committee – comprising the Prime Minister, the Chief Justice of India, and the leader of the largest Opposition party – to decide on whether he should be divested of his powers. The government quickly convened a meeting, which was attended by Justice A.K. Sikri, as the nominee of Chief Justice Ranjan Gogoi. Despite a dissenting note by Mallikarjun Kharge, the majority, that is, Prime Minister Narendra Modi and Justice Sikri, ordered Mr. Verma's transfer.

Questions have been raised about the committee refusing Mr. Verma a personal hearing. The panel apparently chose not to hear him on the ground that the Central Vigilance Commissioner, who held an inquiry on the Supreme Court's earlier orders, had heard him in the presence of the retired judge, Justice A.K. Patnaik, a supervisor appointed by the court, and that the *prima facie* findings against Mr. Verma were enough to conclude that he should not remain in that office. As he was neither suspended nor transferred, but only given a post of equal rank, there was no need for a hearing. Even if this position is not strictly untenable from a legal standpoint, it has serious implications for the CBI's independence. Future regimes may use this precedent to get such an adverse report against an inconvenient director and unseat him. Mr. Kharge's demand for getting Mr. Verma's response should have been considered. Mr. Verma has claimed that the CVC report was based only on the complainant's charges against him, and did not represent the CVC's 'findings'. An important learning from the entire episode is that the bipartisan appointment process for the post with the presence of a high judicial functionary as envisaged by the 2003 amendments may not be enough to thwart political stratagems. Far from resolving the institutional crisis in the agency, the outcome may have deeply politicised it.

Wall of shame

The shutdown over the Mexico wall demand will long define Donald Trump's presidency

It began as a populist campaign promise that brought President Donald Trump's supporters cheering to their feet and paved the way for his election. Now, the border wall with Mexico has become a morass of partisan bickering that has stalemated the U.S. federal government into a three-week-long shutdown, leaving nearly 800,000 public sector workers furloughed without pay. At the heart of this political crisis is the increasingly bitter polarisation of public opinion over immigration. On the one hand, Mr. Trump has steadily contributed to the strident and crude anti-migrant rhetoric, characterising prospective migrants from Latin America as drug-dealers, rapists and violent criminals and shutting down the U.S. border to travellers from certain Muslim-majority countries. On the other, his insistence that he will not sign any appropriations bill to break the funding logjam in Congress and end what could soon become the longest shutdown in U.S. history, unless that bill includes \$5.7 billion in financing for a border wall, has gone down badly with Democrats, who control the House. Matters took a darker turn as Mr. Trump doubled down on his refusal to negotiate over funding for the wall and said he may declare a state of national emergency over this uncomfortable *status quo*.

There are disquieting questions about the veracity of some of Mr. Trump's claims: migrant border crossings have been in decline for the best part of two decades; it is through legal ports of entry and not unauthorised crossing points that hard drugs such as heroin enter the U.S.; and even the State Department has admitted that no terror operatives have entered the U.S. through Mexico. Then there is the more blatantly flawed reasoning touted by the President that "Mexico will pay" for the wall. Now it appears that even Mr. Trump is backing down on his claim, arguing that Mexico would only "indirectly" fund it through trade deals. It is well-known that only corporations pay tariffs under these deals, not governments, and hence no such payment will come from Mexico. Even as the acerbic back-and-forth between Mr. Trump and Congressional Democrats continues, the deeper malaise is a profound disagreement among Americans on what their nation's very soul stands for. Is the U.S. truly a melting pot, a country built on the prowess of entrepreneurship and technology, in large part driven by immigrants seeking the "American dream"? Or is it a declining world power that has squandered too much to other nations and peoples and is re-creating itself for an uncompromising battle to claw back what it reckons it has lost? If it is the latter, then we could expect Mr. Trump's vision to succeed, but if not, a course correction is in order.

No freedom without equality at Sabarimala

Freedom of religion means the right to practise one's own religion, not the freedom to undermine fundamental rights



ANANYA VAJPEYI

When Bindu Ammini and Kanakadurga's entry into the Ayyappa Temple at Sabarimala on January 2 elicited a 'purification ritual' from the shrine's priests (*picture*), one was reminded of the purification of the Chavdar Tank at Mahad in 1927, following B.R. Ambedkar's satyagraha for 'Untouchables' to drink water there. Brahmins from the area poured 108 earthen vessels of *panchagavya*, five organic substances associated with the holy cow, including its milk, urine and dung, into the tank to undo the supposedly "polluting" effects of close to 10,000 Mahars drinking the water.

The memory of Mahad

Ambedkar's Mahad satyagraha had two chapters, on March 19-20, 1927 and on December 25, 1927. The symbolism of mass drinking of the water, with Ambedkar himself taking the first sip, was akin to an act of civil disobedience. Both were carefully planned, peaceful and disciplined protests, and yet were violently disrupted. Mobs, rioters and police colluded to attack and disperse the Mahar satyagrahis; the local British administration ended up siding with the Hindu hardliners under the guise of not wanting to hurt the religious sentiments of this socially dominant and politically powerful group.

"The orthodox Hindu is a strange fossil of humanity," wrote Dhananjay Keer, Ambedkar's biographer, narrating the events at Mahad. At that time Ambedkar's efforts were focussed on claiming that the tank was a public resource and drawing water from it was a

basic human right for 'Untouchables' as much as for others. He was not interested in entering the Veereshwar Temple nearby. But he did play a role in temple entry satyagrahas at the Parvati Temple in Pune in 1929 and the Kalam Temple in Nasik from 1930 to 1934.

All these campaigns ultimately failed: upper castes pushed back using Brahmin strictures of *adhikar* (entitlement) and *bahishkar* (exclusion), arguments from private property, outright physical violence, as well as the law and order machinery of the colonial state to keep Dalits out. Adding insult to injury, first they performed purification rituals, then they obtained stay orders from government authorities, and later they filed legal cases. At no point did they hesitate to use tactics of intimidation.

At Mahad, Ambedkar endorsed the Gandhian language of satyagraha. He was inspired by a recent struggle in the princely state of Travancore, where the reformists T.K. Madhavan and K.P. Kesava Menon led a movement in 1924 to allow the extremely stigmatised castes of Ezhavas and Pulayas to worship at a Shiva Temple in Vaikom. In historian Ramachandra Guha's telling, it was a rare moment in modern India's history when progressive and dissenting voices, from distinct political streams and different regional backgrounds, rose together as one. Vaikom saw a convergence of Kerala's Sri Narayana Guru, Tamil leader E.V. Ramasamy "Periyar", and Mahatma Gandhi himself, who asked Namboodiri Brahmins a point blank to explain their refusal to allow devotees from these castes to worship at their temple.

But a decade later, Ambedkar was disgusted by the resilience of caste discrimination, terminally alienated from Gandhi on the question of Untouchability, and disillusioned about the political efficacy of satyagraha. At the end of his tether, in Yeola outside Nasik in October 1935 he declared that he



was born a Hindu but would not die one. He abandoned the logic of his own earlier position on tank and temple entry, and decided instead that he did not want any part of a religious system and its attendant social structure that would simply never let go hierarchical and discriminatory principles to affirm the claim for equality, dignity and respect for all.

Different discriminations

Apart from the reactionary impulse to "purify" what has been sullied by the proposition of equality, Sabarimala is and is not like Mahad. True, a specific group is targeted for exclusion in both cases: women of ages 10-50 (deemed reproductively active) at the Ayyappa Temple, and Dalits at the Chavdar Tank nearly a century ago. But in today's India, Article 14 of the Constitution guarantees equality, and the Supreme Court verdict of September 2018 further reiterates that females of any age have the right to perform the 41-day pilgrimage and worship at the Sabarimala shrine.

Fittingly, as the arc of the moral universe bends towards justice, it is precisely Ambedkar's momentous intervention in our life as a nation that gives us an egalitarian Constitution and a strong judiciary. He did not have these institutions to back him up during his own shattering struggle against caste, but he ensured that Untouchability was outlawed, and that equal citizenship and fundamental rights – regardless of gender or community – were enshrined in the charter document of the Indian Republic. The histor-

ic precedent of Vaikom, together with the gains of decades of progressive politics in postcolonial Kerala, make the resurgence of religious orthodoxy, caste mentality and misogynistic patriarchy at Sabarimala hard to swallow.

The 5-million strong, 620 km "Wall of Women" on New Year's Day saw Kerala's women asking for the right to worship Ayyappa like their male counterparts. Was this wall in 2019 like the "Walk on Mahad" in 1927? Yes, in a certain sense. Ambedkar's procession leading thousands of Mahars on March 20, 1927 gave "a new turn to the history of India", wrote R.B. More, the main organiser of the Mahad satyagraha. Thirty years later, in Nagpur in October 1956, Ambedkar led half a million Dalits to convert to Buddhism. He wanted them to leave behind their Hindu identity and with it the caste system that discriminated against them.

But women – whether in Kerala or elsewhere – cannot "convert" en masse out of their religious background because of aspects of patriarchal tradition that oppress them *qua* women. Gender and caste are both definitely grounds of discrimination in Hindu society, but they do not occasion similar responses from those who are at the receiving end. Hindus who disagree with caste can embrace Buddhism, emulating Ambedkar's example, but what are women supposed to do? India's feminist movement, Kerala's long engagement with Communism and the verdict of the Supreme Court all offer different avenues to women seeking justice at Sabarimala. However, a radical resort to Ambedkarite religious conversion does not seem to make sense in this situation.

Reform and renewal

In Sabarimala the Bharatiya Janata Party and Sangh Parivar are stoking the fires of religious conservatism, and acting against the inter-

ests of women. This is only to be expected of the right-wing Hindu nationalist political platform that is thoroughly reactionary. What is so disappointing is that even the Congress has taken a regressive stand on this issue, with prominent leaders in Kerala claiming that they are torn between two equally strong constitutional principles – Article 14 guaranteeing equality and Article 25 guaranteeing freedom of religion. To make this argument is to display a basic misunderstanding equally of the Constitution and of Hinduism.

Freedom of religion means the freedom to practise and pursue one's own religion, not the freedom to undermine the fundamental rights of others. Nor does freedom of religion warrant contravening the writ of the Supreme Court, which explicitly grants women the right to worship at Sabarimala. Hinduism as a faith is capacious, inherently diverse and continually evolving, with strong themes of self-criticism, self-correction and self-improvement written into it. This is particularly true in southern India, where inspiring figures like Andal and Nandanar, Chokhamela and Kanakadasa, Basavanna and Akka Mahadevi, Ayyankali and Narayana Guru challenged the bounds of orthodoxy, broke the rules of caste and gender, and triggered popular movements of reform and renaissance over centuries.

Fellow citizens of all religious persuasions are as much the heirs of these dissenting, progressive and indeed provocative traditions from the deep past, as they are the children of a modern-day enlightenment brought about by Gandhi and Ambedkar. We owe it to ourselves as democratic Indians to throw open the doors of the Ayyappa Temple to all those who wish to enter and worship there.

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Hurrying through a legislation

The passage of the quota Bill highlights grave gaps in India's parliamentary procedures



M.R. MADHAVAN

Parliament ended the penultimate session of this Lok Sabha with both Houses passing the Constitution (124th Amendment) Bill, 2019, that enables 10% reservation in education and employment for economically weaker sections. The process by which this was done illustrates the collective failure of parliamentarians to review the government's proposals and hold it to account.

Hasty steps

Let us review the sequence of events. On Monday (January 7), it was reported that the Cabinet had approved a Bill to provide reservation to poor candidates regardless of their caste, and that this would be introduced in the Lok Sabha on Tuesday, the last day of the winter session. News reports also suggested that the Rajya Sabha would extend its session by a day, so that this Bill could be discussed on Wednesday. There was no formal press release by the Press Information Bureau.

The rules of procedure of the Lok Sabha require every Bill to be

circulated at least two days ahead of introduction. This is to give time for MPs to read the Bill and discuss it (or make objections) when the vote on the motion to introduce the Bill is taken up. This Bill was not circulated, even on Tuesday morning. At 11 a.m., when unstarred questions are tabled, one question concerned whether the government was "exploring the scope of providing reservation for poor candidates from forward communities for education and employment" and the details. The Ministry categorically denied that there was any such proposal under consideration. Then at 12.46 p.m., the Bill was introduced, with copies having been circulated to MPs a few minutes earlier.

The usual practice is to refer Bills to the respective standing committee of Parliament. This step allows MPs to solicit public feedback and interact with experts before forming their recommendations. In the case of this Constitution Amendment – clearly one with far-reaching implications – this scrutiny mechanism was bypassed.

The debate started around 5 p.m., just a few hours MPs had been given a copy. The debate ended around 10 p.m.

Meanwhile, the Rajya Sabha hardly functioned that day due to repeated disruptions. Finally, the chair adjourned the House till the

next day – the first official indication that the sitting was extended by a day. The next day, Wednesday, the Rajya Sabha took up consideration of the Bill around 2 p.m. and ended the debate just past 10 p.m. A motion was moved by some members to refer the Bill to a select committee, but this motion was defeated by a wide margin, and the Bill was then passed.

Let us summarise the number of ways in which due oversight was skipped. The Bill was not circulated ahead of being introduced, it was not examined by a committee, there was hardly any time between its introduction and final discussion. Barring a few small parties, none of the larger Opposition parties asked for the Bill to be carefully considered by a parliamentary committee – even in the Rajya Sabha where they might have been able to muster the numbers to ensure this.

The British contrast

Contrast this with the incidents in the British Parliament the same day (Wednesday) when the Speaker ensured parliamentary supremacy over the government. A member of the ruling Conservative Party wanted to move an amendment to set a deadline for the Prime Minister to put forward new plans if she loses the Brexit vote next week. When the government objected that such amend-



ments to set the business of the government in the House can be moved only by a Minister, the Speaker differed. He said that every member had a right to move an amendment. The motion was won by 308 votes to 297.

This case highlights three important ways in which the British Parliament works better than ours. First, the absence of an anti-defection law, so that each MP can vote her conscience. Note that the motion that put the government in a spot was moved by a former attorney general and a member of the ruling party. Second, it is known exactly how each MP voted. In India, most votes (other than Constitution Amendments that need a two-thirds majority to pass) are through voice votes – just 7% of other Bills had a recorded vote over the last 10 years. Third, the Speaker insisted on the supremacy of Parliament, and allowed a motion against the wishes of the government. Unlike in In-

dia, the independence of the Speaker is secured in the U.K. as no party contests against the Speaker in the next general election.

Parliament has a central role to secure the interest of citizens. It is the primary body of accountability that translates the wishes and aspirations of citizens into appropriate laws and policies.

Falling short

However, our Parliament often falls short of these goals due to some structural reasons. These include the anti-defection law (that restrains MPs from voting according to their conscience), lack of recorded voting as a norm (which reduces the accountability of the MP as voters don't know which way they voted on each issue), party affiliation of the Speaker (making her dependent on the party leadership for re-election prospects), frequent bypassing of committees (just 25% of Bills have been referred to committees in this Lok Sabha), insufficient time and research support to examine Bills, and the lack of a calendar (Parliament is held at the convenience of the government). We need to address each of these issues to strengthen Parliament and protect our democracy.

M.R. Madhavan is the President and co-founder of PRS Legislative Research

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.

Extending reservation

The issue of reservation in educational institutions and government jobs has been a vexed issue for decades. Reservation has benefitted the deserving among claimants under the quota system. But has any scientific survey and data collection method been made to determine the legitimacy of the claims? The whole issue is causing unnecessary heartburn because of the continuation of the diabolic caste system. Can you do away with the caste system so that economic backwardness becomes the only norm in order to derive concessions from the government? The Constitution, which aims at building an egalitarian society, will be meaningful if all forms of inequality and injustice are removed

at the earliest. The powers-that-be must read the writing on the wall and lead the country on the right path or else they will be working against the lofty ideals of the Constitution.

M. GOVINDASWAMY,
Chennai

Faulty amenities

The Indian Railways claims to be making efforts to ensure greater passenger comfort and introduce newer trains such as Train 18 but it appears to be a mirage. I wish to highlight the travails passengers on 12626 Kerala Express 3 Tier AC Coach B2 (New Delhi to Thiruvananthapuram route) underwent on December 31. All the 3AC coaches have a new type of bio-toilet installed. But in B2, for example, one toilet remained locked right from

departure because, as we learnt from coach staff, it had developed an air lock, a problem associated with the new version. A passenger also ended up getting herself and her clothes soiled when she tried to use the toilet as the water flow was not as it was meant to be. The toilets in the other B coaches had similar problems. We were told that the older version of the toilet did not have such a problem, which is related to the new design, and that it can only be resolved at the coach factory. It is unfortunate that a fancy design of an essential amenity has been introduced without adequate trial and experimentation. Long distance trains must have all amenities in working order. It was a different

matter that the ticket examiner was indifferent and that unauthorised hawkers had a free run of the coach.

RADHA SESHADRI,
Coimbatore

TV show remarks

Cricketers Hardik Pandya and K.L. Rahul have brought the game of cricket into disrepute with their uncouth remarks on a TV show ('Sport' page, "Hardik, Rahul were 'very crass': Rai", January 11). It seems that fame and money have gone to their heads. Do they think that they can say anything and get away unscathed? They should be told in no uncertain terms that they have to mind what they say in public or else be shown the door. They are easily replaceable as the country has an abundance

of talented cricketers.

C.G. KURIAKOSE,
Kothamangalam, Kerala

■ Hardik Pandya's reportedly obtuse, sexist and misogynistic comments don't do him proud.

Considering that Pandya and Rahul have long cricketing careers ahead of them, match suspensions should act as a very stern warning for them. The BCCI should henceforth ensure prior permission before all contracted players appear on talk shows or give interviews in the electronic media. Our cricketers, who are hero-

worshipped, should always act as role models, which includes respecting gender equality at all times. The team management should counsel young players.

A. MOHAN,
Chennai

■ It is fine to be finding fault with the cricketers. But what about the celebrated host of the TV show in question? Did he not have the sense to stop the recording when the locker room talk began?

RADHA SUBRAMANIAM,
Chennai

MORE LETTERS ONLINE:
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CORRECTIONS & CLARIFICATIONS:

>>In the Editorial page article, "Judicial evasion and the status quo" (Jan. 10, 2019), there was a reference to an *August 26* court order directing the Central Vigilance Commission to finish its pending investigation against Mr. Alok Verma. It should have been *October 26* court order.

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