



## State of conflict

Who provoked the Maharashtra violence and how it got out of hand must be determined

The speed with which tension spread from Bhima-Koregaon, a village on the outskirts of Pune, on Monday to bring cities across Maharashtra to a shutdown by Wednesday, is a pointer to multiple failings. It appears that the police had failed to anticipate the potential for trouble breaking out in Bhima-Koregaon and then ensure that normal life continued in the days after. Every year on January 1, a large number of Dalits visit a memorial in Bhima-Koregaon to mark an 1818 battle in which the East India Company, with Mahar soldiers prominent in its ranks, had defeated the Peshwa. From being a battle lauded in colonial times only to be forgotten by the British, over the years Bhima-Koregaon came to be marked as a site of Dalit valour and repudiation of caste stereotypes. With a visit by Dr. B.R. Ambedkar in 1927, it got invested with political and spiritual meaning beyond the specifics of the original battle and in a forward-looking politics. This year being the 200th anniversary, the commemoration was always going to be larger and more high-profile. The police should, therefore, have increased security. But there were also indications of tensions brewing after a vandalisation attempt in late December near the *samadhi* of a Mahar who it is said had performed the last rites of Sambhaji, Shivaji's son. This is not far from Bhima-Koregaon and the administration was aware of the incident and its potential for causing trouble. The pent-up anger, which resulted in widespread incidents of arson and vandalism, ended with the bandh that brought Mumbai and other places to a halt.

The judicial inquiry promised by the Devendra Fadnavis government must determine who provoked the violence, how it spread, and to what extent right-wing Hindu groups were responsible for fomenting it. Law and order may have been restored in Maharashtra, but there is a political failing framed by the caste tensions that have bubbled over in the State. These are the result of many factors ranging from contested histories, at a more abstract level, to economic insecurities about jobs and livelihood, on the ground. The tensions of this past week have come against the backdrop of neo-reservation movements, such as by the Marathas in Maharashtra over the past couple of years. This and demands by Marathas to dilute the provisions of the Scheduled Caste/Scheduled Tribe (Prevention of Atrocities) Act may be borne of economic and social anxieties – but they, in turn, have created understandable anxieties among Dalits about being left adrift to wage the political battle for their protection on their own. This time the Dalit assertion appears to have resulted in a degree of consolidation as well. The country's politics must bridge differences by addressing anxieties holistically – instead of nurturing new polarised constituencies by widening these fault lines.

## On a high

A hawkish U.S. Fed is likely to be the biggest threat to the bull market in stocks

Global stocks kicked off the new year by rallying to reach new lifetime highs. Major indices across the U.S., Europe, and Asia witnessed significant gains in the year's first two trading days; the Indian bourses were slower to gain traction. The strong start suggests that stocks may be all set to carry on their momentum from 2017, which saw major indices offering solid double-digit returns to investors. A significant feature of the present bull market in stocks has been its broad-based participation, with both developed and emerging markets benefiting from it. The S&P Global Broad Market Index, for instance, rose by an impressive 22% during the year. Indian stocks are among the biggest winners of the rally. Macroeconomic tailwinds such as improving economic growth in the U.S., Europe and emerging markets, better corporate earnings, and tax reforms passed by the Trump administration could explain some of the euphoria. But the extreme broad-based nature of the rally adds to fears that it may be driven primarily by excess fund flow into stocks rather than a secular improvement in economic fundamentals. The weakening of the U.S. dollar during 2017, along with the strengthening of emerging market currencies like the Indian rupee, raises further suspicion that the global stock rally may be about nothing more than excess liquidity. Investors starved of yield have been happy to bid up stocks in countries like India and China.

The major risk facing the present bull market, of course, is the prospect of a quicker end to the accommodative monetary policy adopted by the U.S. Federal Reserve. After all, the dovish monetary policy since the global financial crisis of 2008 has clearly played a major part in fuelling the second-longest bull run in U.S. market history. With the return of higher economic growth in the U.S., inflation is bound to spike up and force the next Fed chair to raise rates at a faster pace. Apart from deflating the rally in domestic U.S. stocks, this is also likely to improve the yield on American assets and cause capital to flow out of emerging markets. In addition, any repatriation of dollars by U.S. corporations, which are incentivised by the new corporate tax policy, is likely to exert pressure on non-dollar currencies. Meanwhile, the price of gold – a safe haven asset – rallied 14% last year, which is the metal's best performance since 2010. This suggests that investors in at least some corners of the market believe the end may be near for loose monetary policy. The 'taper tantrum' of 2013 had served as a timely warning to emerging markets about the fickle and disruptive nature of global capital. While predicting market trends is a fool's errand, it seems the end to this bull market might be sooner than later.

# On the edge of destiny

Rajinikanth stands at a crossroads for Tamil Nadu, but can he define what his political rescue act entails?



NARAYAN LAKSHMAN

It had been more than 20 years in the making, and finally Tamil cinema superstar Rajinikanth delivered on innumerable past overtures when he plunged into the troubled waters of Tamil Nadu politics.

The big question on everyone's mind is this: will he be a force to reckon with after he cobbles together a party apparatus with aspirations of political mobilisation, or will his democratic dream simply fade away after this foray comes a cropper against the jagged edges of the Dravidian parties' electoral juggernauts? Hard to tell with any certainty, but an analysis of his entry in the context of Tamil Nadu's colourful political past, its frustrating, dysfunctional present, or its ominously cloudy future yields some clues.

### Past: fish out of water

Tamil Nadu has always been a standout State. It was home to a unique social movement that was also one of India's most successful experiments in populist mobilisation and pioneering social welfare policies. Dravidian politics surged to the fore in 1967, when the Dravida Munnetra Kazhagam (DMK) unseated the incumbent Indian National Congress and in doing so, forever altered the State's political terrain.

Few Indian States have so purposefully used the motifs of ethnic identity, so adroitly deployed them through the silver screen, and so rigorously converted caste politics into a practical class mobilisation.

Over time the social radicalism

of Periyar E.V. Ramasamy, C.N. Annadurai and M. Karunanidhi, under the aegis of the anti-Brahmin, anti-Hindi campaigns of the DMK, gave way to a more inclusive style of governance under the All India Anna Dravida Munnetra Kazhagam (AIADMK) founder M.G. Ramachandran (MGR), and later his protégé Jayalalithaa.

Against this arc of Dravidianist-mobilisation history, Mr. Rajinikanth's entry in some sense reduces him to a fish out of water, an aspiring wild card entrant seeking to make a lateral move despite lacking direct participation in the defining political movement of the State.

This matters considerably, not only because he now faces enormous pressure to define his politics, but also because, sans party association, he must embark on the unenviable task of building an organisation structure that is robust enough to take on the muscle of the AIADMK and the DMK.

It is true that he will not be building it from scratch, the way Periyar and Annadurai did, in the mid-20th century. According to some estimates, Mr. Rajinikanth enjoys the unflinching support of at least 50,000 fan clubs scattered across the cities and towns of Tamil Nadu, with each having at least 25 die-hard admirers of their "*Thalaivar*". Yet it is an open question as to whether the millions of his fans are at all inclined towards hard-nosed political campaigning and mass mobilisation. All they may care about are his movies!

This brings us to another dimension of Tamil political history that poses uncomfortable questions for Mr. Rajinikanth: is he capable of being the sort of "benevolent" autocrat, the patronage-inclined "soft-authoritarian" like others before him, including Jayalalithaa, MGR and Mr. Karunanidhi?



Mr. Rajinikanth certainly commands attention based on his legendary charisma, yet on the flip side he has been painfully publicity-shy over the four decades that he has spent in the cinema world. Thus, it is by no means a foregone conclusion that he will smoothly transition into an aggressive leader capable of marshalling party members and resources towards orderly execution of campaigning, fundraising, lobbying efforts and much more.

### Present: politics in ferment

Coming to the present scenario in Tamil Nadu, among the most widely touted reason for betting on Mr. Rajinikanth as the cure to what ails State politics is the fact that both Dravidian parties have faced an untimely loss of leadership capacity, the AIADMK owing to Jayalalithaa's death in December 2016 and the DMK owing to Mr. Karunanidhi stepping back from an active role after his health declined in recent years.

In the context of this power vacuum, the State may be Mr. Rajinikanth's to lose. The vacuum, however, holds lessons for any aspiring entrant. First, the AIADMK has imploded in spectacular fashion since Jayalalithaa's death because it is being torn asunder by bitter factional squabbling. That was a natural consequence of the weak-kneed leader-

ship that has been thrust into the hot seat overnight, after decades of rule by an iron-fisted politician who degraded four rungs of leadership within her party to nix all potential challengers.

The second lesson for Mr. Rajinikanth is the fumbling of the DMK. The AIADMK clearly stole a march on its older rival since 1977 (the AIADMK has ruled for 26 years and counting, the DMK only for 12 years, of the past 40) owing to a more durable party ideology and broader social base, both of which geared its agenda towards mass distribution of welfare goods. While these are derided by some as "freebies", social scientists consider them factors contributing to Tamil Nadu's relative outperformance on human development and poverty reduction indices. When will Mr. Rajinikanth delve into these complex socio-economic and policy questions?

### Future: New Delhi calling

Finally, on the murky future that awaits any party that the superstar may float, he will have to be nimble on the radioactive subject of Hindutva politics, and in that regard the tactical question whether to align with the BJP, for several reasons. First, Hindutva politics as such never made headway in India's southernmost State given the Tamil people's consistent record of rejecting the Hindu-North Indian-Brahmin matrix as a single, unwanted political package. They considered this matrix a product of north Indian hegemony, one that the Nehruvian state and then other dispensations in a distant New Delhi sought to thrust upon the "Tamizhan", the quintessential Tamil man (or woman). That feeling of "Tamil-ness" is still very much alive.

Second, Mr. Rajinikanth may have struck a chord with some voters when he spoke of "spiritual"

politics – yet he has more to clarify on whether he intended that phraseology to convey the anti-thesis of corruption, or whether it was an overture to Hindus and Hindutvavadis across the State and in New Delhi. If it is the former, it would be most welcome at this nadir of democratic politics in Tamil Nadu, a dark period of grand larceny and covert institutional looting of the public coffers.

If Mr. Rajinikanth went out on a limb to take on politically connected corruption, shadow corporations and the massive rent-seeking network that has permeated every corner of the government and has led to capital flight to neighbouring States, the people of Tamil Nadu would flock to him.

Third, he may do well to give thought to whether his political foray would simply end up playing spoiler for either Dravidian party and prevent both from forming a strong, stable government. In such a scenario, wouldn't his efforts only delay the long-awaited return of good governance?

### Real-life hero?

Like many heroes of the silver screen, Mr. Rajinikanth's entry into politics is a test of fire. He lacks many vital political appurtenances and a living link to an important historical chapter of this State. His very announcement of entry has spurred vicious attacks on his purported intentions, his character and his personal life.

Yet he stands – humbly, one must grant – at what might turn out to be a momentous crossroads for Tamil Nadu: its past political glory depleted in the gradual decline of the AIADMK and DMK, its people now pray for a political renaissance. *Thalaivar* to the rescue, perhaps?

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# Civil wrong, criminal act

The triple talaq Bill smacks of political opportunism



KAPIL SIBAL

The triple talaq Bill – the Muslim Women (Protection of Rights on Marriage) Bill – has come to the Rajya Sabha for consideration after a smooth sailing in the Lok Sabha on December 28. This is an ill-thought-out, hastily conceived legislation, exposing the dubious intentions of the BJP.

### What the court said

Let us first consider what the Supreme Court decided. Three separate judgments were rendered. Justice R.F. Nariman and Justice U.U. Lalit held that *talaq-e-biddat* (triple talaq) as a practice was arbitrary and declared it to be unconstitutional and consequently void. Justice J.S. Khehar and Justice Abdul Nazeer held that being a 1,400-year-old practice, this had become an integral part of the faith of Muslims and could not be struck down as being violative of fundamental rights. They, however, stated that since such a practice is otherwise abhorrent and considered illegal in various Muslim countries around the world and, taking note

of the stand of the Muslim Personal Law Board deprecating the practice, it should be discontinued.

Consequently, they granted an injunction against the practice of triple talaq for a period of six months from the date of judgment, enabling Parliament to legislate on the subject. If such legislation were to be initiated, the injunction would continue till the legislation bore fruition. Justice Kurian Joseph held, disagreeing with Justice Nariman and Justice Lalit, that provisions of Muslim personal law cannot be struck down as arbitrary and unconstitutional. He held, however, that this particular practice, being sinful and not sanctified by the Koran, was consequently not part of personal law, disagreeing with Justice Khehar and Justice Nazeer to this extent. In essence, therefore, three of the five judges of the Court held this practice to be void, albeit for different reasons. The government chose to take notice of that part of the judgment of Justice Khehar and Justice Nazeer on which they were in a minority and initiated this legislation.

This legislation has three essential features: (1) that triple talaq or any form of instantaneous and irrevocable divorce pronounced by a Muslim is void; (2) that a Muslim



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husband pronouncing triple talaq is criminally culpable; (3) that the offence is non-cognisable and non-bailable. That the government is not applying its mind is clear from the fact that it seeks to declare void a practice that has already been declared void by the Supreme Court. Had this legislation not been initiated, the practice would still be void. Therefore, the legislation to this extent does no more than restate an existing statement of law. This is inexplicable. The sole intent of the legislation, therefore, is to criminalise the act of triple talaq.

### Areas of concern

Criminalisation of this act does not emanate from any part of any of the three judgments rendered by the Supreme Court. This is why in proposing this legislation the go-

vernment has exposed its dubious intent of targeting Muslim men, who are now liable to be prosecuted for breaching a civil contract, a Muslim marriage being a contract of a civil nature.

The other aspect, which is of concern, is that there is no provision in this legislation which states that the wife alone can file a complaint alleging that an offence of triple talaq has been committed. A third person can file such a complaint on the basis of which the husband alleged to have pronounced triple talaq can be arrested forthwith. Being non-bailable, only a court is entitled to grant bail. This has several implications: (1) the wife who may not wish to complain, her marriage being intact, has to suffer the consequences of her husband being sent to jail. That affects her husband's capacity to provide for the family; (2) the complaint may be based on a lie, yet the husband may land in jail; and (3) it is not understood why the husband needs to go to jail when the marriage is subsisting and valid.

Further, the concept of subsistence allowance and the right of a woman to custody of her minor children in the event of pronouncement of talaq by her husband are both alien to a marriage which is subsisting and intact. Subsistence allowance or maintenance

and child custody are issues which become relevant if there is a proceeding for divorce and the husband chooses not to maintain the family. That cannot be the case here.

The government claims that this legislation has nothing to do with religion and seeks to serve the cause of gender justice. If that is the case, why does this government not shed any tears for our Hindu sisters who are frequently thrown out of the house and have to run from pillar to post to seek their remedies in court? Such proceedings take years while our Hindu sisters languish without support. The same logic applies to our sisters belonging to all other religions who are frequently abandoned by their husbands. Service to the cause of gender justice must not be selective.

This seems to be yet another act of political opportunism by the government to seek electoral benefits. Yet another 'jumla'. It is time for us to expose the machinations of this government, which seeks to tear asunder families, whose marriages are intact and whose husbands may land in jail despite that.

*Kapil Sibal is a Congress leader, former Union Minister and lawyer*

## LETTERS TO THE EDITOR

Letters emailed to [letters@thehindu.co.in](mailto:letters@thehindu.co.in) must carry the full postal address and the full name or the name with initials.

### Maharashtra bandh

It is a pity that an incident that took place 200 years ago is bringing an entire State to a standstill today ("Maharashtra shut down as Dalits and Marathas join forces", Jan. 4). It is a sad reality that different political parties in India that have supported the protests have done so for electoral benefits. But how is all this going to affect us in the long run? Governments are meant to eradicate all kinds of discrimination, not fuel them. History should be interpreted in a manner that brings harmony instead of creating further rifts among communities.

GAGAN PRATAP SINGH,  
Noida

Some see the Maharashtra violence through the prism

of caste marginalisation, some see it as a response to the rise in Hindutva. The fact is that there is a lot of insecurity among the dominant communities in India as those "lower" than them are becoming economically empowered and are better represented in politics than before, which is a product of the efforts of previous governments. This is why we are seeing the Marathas, Jats, and Patels demand reservation and OBC status. Where this is all going to lead us is the worrying question.

SHREYANSH JAIN,  
Chandigarh

This a grim reminder that there continues to be widespread polarisation along casteist lines. It is beyond one's

comprehension how a country that has advanced by leaps and bounds in the economic and technological fields since Independence has remained at a primitive stage as far as caste is concerned. Such developments could do irretrievable damage to the concept of an integrated India in the long run. Unable to defeat the BJP in various elections, Opposition parties are trying to exploit every available opportunity to gain political mileage. The Congress party's appeasement of Hardik Patel in Gujarat and the National Congress Party's readiness to join hands with Dalit groups in Maharashtra are examples of opportunistic politics. The BJP should also rein in

some elements within its fold. The Prime Minister was voted to power based on his promise of development. Allowing fringe elements to hijack the party and take it along a different route would prove to be disastrous for the party and the country.

V. SUBRAMANIAN,  
Chennai

### Debate over triple talaq

The Opposition's demand merits serious consideration ("Debate stalled in RS on triple talaq Bill", Jan. 4). While acknowledging the fact that the triple talaq Bill is the need of the hour, we should remember that laws enacted by Parliament merit deep and objective scrutiny by members along with a constructive debate on their provisions before

they are implemented.

M. JEYARAM,  
Sholavandan

### Rajinikanth in politics

I am afraid Rajinikanth's foray into politics may go the Aam Aadmi Party way ("DMK-Rajinikanth ties come under strain", Jan. 4). Both began, or are beginning, their journey by riding on the credentials of one person. Arvind Kejriwal had an advantage: he was a government officer and familiar with public life unlike Mr. Rajinikanth. People should be wary of political entries where individuals aim straight for the top spot. What happened to gaining public confidence and exposure in handling public issues? Mr. Rajinikanth wants to bite more than he can chew. He would do well

to first see how his party fares in local body elections.

M. BALAKRISHNAN,  
Bengaluru

### Hindi at the UN

This move is not just uncalled for but also highly prodigal. It also goes against the spirit of inclusiveness propagated by the Constitution ("Spat over Hindi as official language at UN", Jan. 4). Such narrow-minded debates can belittle India's nobler causes at the UN. New Delhi has greater goals to pursue in the areas of climate change, nuclear power, trade, and agriculture than debate on what language should be made the country's official language at the UN.

ANJALI B.,  
Thiruvananthapuram