



## For liberty's sake

The stage is set for determining the scope of Article 32 in the activists case

The Supreme Court's intervention following the arrest of five prominent activists by the Pune police last month has been truly extraordinary and raises the bar for protection of personal liberty. The court has granted them the rare relief of remaining in house arrest while it examines the charges against them. It has reserved its decision in the case and now must decide on one of the following courses. They are: to allow the police in Maharashtra to pursue its investigation against the activists for allegedly being members of the outlawed Communist Party of India (Maoist) and joining a conspiracy against the government, to set them at liberty on the ground that this is a trumped-up case, to order a probe by an independent team. The story so far has thrown up a legal tussle between the Centre's contention that it is probing a terrorist conspiracy involving Maoist insurgents and their urban supporters and the counter-argument that this is a thinly disguised crack-down on political dissent. The petitioners, led by historian Romila Thapar, have questioned the motivation for the police raids on the residences of these activists and a few others in a coordinated operation across several States. They want those arrested to be released and demand an independent investigation. The Maharashtra and Union governments have sought to defend the arrest and prosecution, contending that the case is based on incriminating evidence seized during the probe and has nothing to do with the ideology or the political views of those under investigation.

In entertaining this petition, the Supreme Court has set the stage for an examination of some fundamental questions at the intersection of criminal procedure and constitutional law. The procedural question is whether in a criminal matter the court can entertain a petition under Article 32 of the Constitution, under which the Supreme Court enforces fundamental rights, for which the accused are expected to seek their remedy under the Code of Criminal Procedure. The substantive question is whether the court should intervene when the liberty of citizens and their right to dissent are sought to be denied by arbitrary police action. Observations that "dissent is the safety valve of democracy" and "personal liberty cannot be sacrificed at the altar of conjecture" indicate the court's thinking. It is against this backdrop that the Bench has decided to examine the case diary to see whether the charges have some basis. The government may have reason to worry about a precedent being set, whereby every accused can rush to the Supreme Court immediately on arrest. At the same time, one cannot wish away the peculiar circumstances in which a case relating to violence at a Dalit commemoration dramatically morphed into a Maoist plot. Further, it is unusual, and even suspicious, that one city's police is investigating a crime that supposedly spans several States and involves purchase of arms and providing strategic inputs to armed rebellion, instead of handing it over to a national agency.

## Moon diplomacy

The South Korean President's visit to the North has strengthened the peace process

The joint visit of South Korean President Moon Jae-in and North Korea's Kim Jong-un to Mount Paektu, the mythical birthplace of the Korean nation, on the last day of their landmark three-day summit is a forceful show of unity by the two countries. At the site, which falls in North Korea, Mr. Moon said the time would come when ordinary South Koreans "will come here on tours", in a message of normalisation of ties. While travelling to Pyongyang earlier this week, Mr. Moon's main goals were to revive the talks between the U.S. and North Korea over denuclearisation, and infuse fresh warmth into the North-South thaw. Given the agreements signed and the statements issued, the summit has strengthened the momentum for peace in the peninsula. During the meetings, North Korea agreed to shut down the Tongchang-ri missile-testing site in the presence of international observers, and dismantle the Yongbyon nuclear facility if the U.S. takes "corresponding measures". The two leaders have also agreed to open a facility in southeastern North Korea where divided families can hold reunions. Mr. Kim has promised to visit Seoul at "an early date" for further negotiations. When that happens, he will be the first North Korean leader to visit the South since the armistice of 1953.

The U.S. has responded optimistically to the summit, expressing readiness to immediately engage North Korea in talks. But it remains to be seen whether the positive atmospherics at the summit will yield tangible achievements on critical issues such as denuclearisation. Since the ice-breaking Panmunjom summit between Mr. Kim and Mr. Moon on April 27, inter-Korea relations have improved remarkably, while the U.S.'s engagement with the North has strengthened hope for peace. But while the two Koreas maintained the momentum through continued bilateral engagement, Washington and Pyongyang have failed to make much headway since the June summit between Mr. Kim and President Donald Trump in Singapore. The main problem is that though denuclearisation was accepted as a common goal, there were no specific steps or timeline laid out. It has remained more of a promise than a strategic plan. Pyongyang also wants the U.S. to formally declare an end to the Korean war before it makes any more concessions. But the heartening message from these engagements is that Mr. Kim appears to be consistent in his pursuit of peace and global recognition. Both the U.S. and South Korea should reciprocate and take concrete steps for lasting peace.

# When Brecht speaks as Ambedkar

Citing literary sources, turning to parables, prose, plays, poetry is the wherewithal of political discourse



GOPALKRISHNA GANDHI

Policemen and policewomen are not mindless digits in khaki. They have all been to school. Many of them are MAS, some PhDs. And they have families, friends just like anyone else who has not been clad in hide-tough uniforms the whole day. When at end of duty hours they return home, get back to home-clothes, settle down to a tired day's evening, like anyone else, they talk of all they went through during the day, good and bad, honest and wicked, how they had to respond to political orders, 'high' influence, low intrigue. They laugh then at the ways of the cunning world of which they have become part, and feel sometimes proud of what they did and sometimes not. And then turn on their television sets to watch not news — of which they have had enough and more — but, to lighten their minds, old and new cinema, hear Lata Mangeshkar singing through the lips of Meena Kumari, or Asha Bhosle through those of Madhubala. In States like West Bengal and Maharashtra, with their strong traditions of theatre and musical arts, they can well go to see a play, 'with family', based on old epics or written by bold new playwrights staged in theatre-houses invariably named after Tagore, in his grey-flowing beard or the great Chhatrapati Shivaji in his sharp-pointed black one.

**Brecht at Bhima-Koregaon** Yet, Bertolt Brecht's is not a name all policemen on duty in Maha-

rashtra's Bhima-Koregaon village on January 1, 2018 are likely to have known. The great German playwright is, sadly, 'niche'. Why sadly? Because he is bound to have amused, inspired, delighted, enthralled the non-*kitab*, the not-a-bookworm-at-all as much as the bespectacled 'intel'. And because Brecht speaks the truth and doesn't care a hoot whether his truth is seen as the truth or is not. And Brecht's truth, rather like truth itself, is non-denominational, non-sectarian. The Marathi translation of his timeless play *The Good Person of Szechwan* is more than likely to have passed by the police force on duty at the village celebrating, as it has done for decades, on that day the great Dalit-Mahar battalion's vanquishing — disputed by some — of the much stronger army of the Peshwa order known for its rough-handling of Dalits. Only, this year the celebration was the more celebratory, being the centenary year of that 1818 victory. And since one group's celebration is seen as another group's lamentation, "law and order" was a concern. And rightly so. Violence and counter-violence saw "the law" swing into action, 'order' asserting itself. And months later, arrests are still being made. Has all this been without 'fear or favour'? The courts will, without doubt, tell us.

Those who know Brecht's play laugh at lines in it like these: "I am afraid of making enemies of other mighty men if I favour one of them in particular. Few people can help us, you see, but almost everyone can hurt us." "Stomachs rumble even on the emperor's birthday." "The First God: Do people have a hard time here? Watch the water-seller: Good people do." "The First God to Shen Te the



VIBHAV BIRWATKAR

prostitute: Above all, be good, Shen Te, Farewell!"

"Shen Te: But I am not sure of myself, illustrious Ones! How can I be good when everything is so expensive?"

"The Second God: We can't do anything about that. We mustn't meddle with economics!"

And they would have understood, with a sigh, the line: "No one can be good for long when goodness is not in demand."

The same play, one of the funniest, wittiest, most profoundly thoughtful and mind-rinsingly disturbing in that genre, has the woman prostitute-protagonist burst out with the words: "Unhappy men! Your brother is assaulted and you shut your eyes! He is hit and assaulted and you are silent!... What sort of a city is this? What sort of people are you? When injustice is done there should be a revolt in the city. And if there is no revolt, it were better that the city should perish in fire before the night falls..."

### In Ambedkar's words

In words that powerfully echo Brecht's, the architect of our Constitution, Babasaheb Bhimrao Ambedkar, said in the Constituent Assembly: "How long shall we continue to live this life of contradictions? How long shall we conti-

nue to deny equality in our social and economic life? If we continue to deny it for long, we will do so only by putting our political democracy in peril. We must remove this contradiction at the earliest possible moment or else those who suffer from inequality will blow up the structure of political democracy which this Assembly has so laboriously built up."

Here is a great, perhaps the greatest, German writer of our times, using a Chinese parable to give the world a touch of truth about the human condition, the human propensity for domination and the human impulse for freedom, justice. And when on January 1, 2018, in the Bhima-Koregaon event these lines with a timeless and location-free message were recited in their Marathi rendering, they were seen as "an incitement to violence". If, instead of Brecht's the reciter had cited Babasaheb's words, would he have been charged with incitement to violence? Today, who can tell?

Mohandas Gandhi was charged, likewise, in the spring of 1922 "for inciting disaffection towards His Majesty's government" for articles by him published in *Young India*. In one of them, titled "Shaking the Manes", he used a phrase from then current political discourse and 'shook' the Raj. The accused

said in his famous trial: "I have no personal ill-will against any single administrator, much less can I have any disaffection towards the King's person. But I hold it to be a virtue to be disaffected towards a government which in its totality has done more harm to India than any previous system."

We have our own Brechts. Just before the declaration of the national emergency in 1975, Jayaprakash Narayan had, before a massive rally in Delhi, quoted the great Hindi poet Ramdhari Singh Dinkar's lines: "*Singhasan khali karo ki janata aati hai* (vacate your throne, here come the people)." We know what happened thereafter to JP, to India. Also, what happened subsequently to the system that imprisoned him.

### We shall see

Faiz Ahmad Faiz's poem *Hum Dekhenge* (We Shall See) is a classic in the same vein, quoted time and again as a call against oppression.

Citing literary sources, turning to parables, prose, plays, poetry is the wherewithal of political discourse. Our Prime Minister has in a Dinkar commemoration cited the same line with pride.

Just as policemen on duty are only human beings in uniform, so are lawyers in black silk. They know true from false, fact from fiction.

India, the theatre from time immemorial of a hundred injustices, a thousand oppressions is also the site of a million awakenings. The rein lies its strength.

*Kuchh bat hai* (there is that something), as Iqbal sang, about Hindustan that cannot let its self-hood fade.

Gopal Krishna Gandhi, a former Governor of West Bengal, is distinguished professor of history and politics, Ashoka University

# Repositioning the Sangh

RSS chief Mohan Bhagwat's 'moderate' outreach is aimed at Hindu centrists



SMITA GUPTA

The Bharatiya Janata Party (BJP) will never sever its ideological ties with the Rashtriya Swayamsevak Sangh (RSS). But ever since the Narendra Modi government assumed office in 2014, the party has been rapidly metamorphosing into an entity no longer as dependent on the RSS network as it once was, or, indeed, as mindful of the latter's leadership. The rapid expansion of the BJP organisation on the ground, the construction of modern party offices equipped with the latest communication tools, and a more centralised way of functioning with all party office-bearers answerable to party president Amit Shah and Mr. Modi has reduced the importance of the RSS in the BJP's scheme of things.

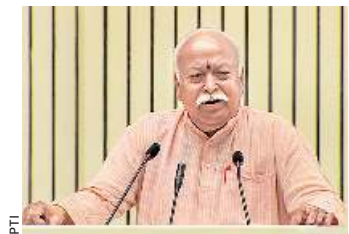
For the Modi-Shah duo that leads the BJP, this slight shift in balance is important because the desire to wield absolute power by winning as many elections as possible takes precedence over all else, whether it is the stated goal of

development or the unstated one of the spread of Hindutva.

### Targeting fence-sitters

Earlier this week, RSS chief Mohan Bhagwat turned the spotlight on the 93-year-old organisation he heads, at a three-day conclave in New Delhi. Facing possibly the most vigorous and sharp attack in its history from the Congress, under president Rahul Gandhi, Mr. Bhagwat attempted a major image makeover for the RSS, describing it as one committed to creating an inclusive society of which Muslims and other minorities are an indivisible part. He talked of unity in diversity (a long-standing Congress slogan), acknowledged the Congress's stellar role in the freedom struggle, and said he didn't believe in a Congress-mukt Bharat (though that has been the rallying cry of top BJP leaders). Flagging the spate of lynchings, he said no one had the right to take the law in their own hands — even though cow protection is an imperative. If the RSS chief's effort was to ensure that Hindu centrists, disturbed by attacks on the vulnerable, did not desert the BJP for the Congress, the apparent departure from the Golwalkar-Hedgewar hard-line threw the RSS faithful into a state of confusion.

For RSS cadres, the message



was clear: they must take their cue from the RSS chief who was trying to increase his organisation's acceptability among Hindu fence-sitters. That Mr. Bhagwat's speeches were motivated by political expediency rather than a change of heart was apparent. At the recent World Hindu Congress in Chicago, he had given a rallying cry for Hindu unity, and called its opponents "dogs".

The RSS believes in the power of the collective, and is therefore uncomfortable with the cult status that Mr. Modi has acquired. It is also unhappy with the Modi-Shah duo's strategy of seeking to isolate dominant Hindu castes to consolidate the rest against them: in Haryana, the BJP successfully united non-Jats against Jats; in Uttar Pradesh, non-Yadavs against Yadavs; in Gujarat, non-Patels against Patels. Now in Maharashtra, there appears to be an effort to bring together non-Marathas against Marathas. The BJP has adopted these

tactics as its apex leadership has realised the limitations of working towards Hindu consolidation as its only electoral plan. The RSS, however, sees this as hampering Hindu unity, which has been its only goal since its founding in 1925.

Nevertheless, the stakes for the RSS are just too high for it to work against the party that is its only ticket to achieving its ultimate goal of establishing a Hindu Rashtra in India, something the current BJP leadership is also happy to promote. Indeed, at the RSS conclave, Mr. Bhagwat urged his audience — largely RSS supporters — not to tap the NOTA button, but cast their votes, by implication, for the BJP.

### A difficult election

The BJP leadership knows it will not be as easy a ride as it was in 2014. At the BJP National Executive earlier this month, Mr. Modi tried a new tack: "For 31 years we are in power in Gujarat. We have been able to do that because we are not greedy for power. We don't seek power as an instrument of sitting on the chair, rather we seek power to work for the people." He presented this as a contrast to the Opposition's politics.

For a government that claims success on all fronts, turning the spotlight on the Opposition may seem surprising. But the BJP

knows a second term in power will depend largely on its ability to train the attention of voters on the contradictions in the Opposition, rather than on its own mixed record in office (including the Rafale controversy and discontent over rising fuel prices) and the rumblings within its ranks — for instance, upper caste rage against the government for having restored the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act to its original form. The BJP is also not taking lightly the Opposition's success in by-elections in U.P., where parties earlier antagonistic to each other joined forces to defeat the BJP, thus projecting a template for 2019. Mr. Modi, of course, remains the larger-than-life figure who can be pitted successfully against the lesser mortals of the Opposition, and he is the BJP's best bet to paper over the grievances, dissatisfactions and anger accumulated over the last four years.

If the BJP retains the majority it won in the Lok Sabha in 2014, the road will be clear for Mr. Modi. But there is no saying what would happen if it does not: will the allies and the RSS then have a say in deciding on the next Prime Minister?

Smita Gupta is Senior Fellow, The Hindu Centre for Politics and Public Policy

## 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.

### Why criminalise?

Criminalising instant triple talaq after the Supreme Court declared the practice as unlawful is counterproductive ("Impatient move", September 20). It can be dangerous too, as the man can hold his wife responsible for his imprisonment. It will also affect the woman and the couple's children, particularly in cases where the man is the sole breadwinner of the family. Triple talaq should be a civil offence, not a criminal one. The move seems to be aimed at garnering Muslim women's support before the 2019 general elections. S.K. CHOUDHURY, Bengaluru

Promulgating an ordinance to criminalise triple talaq instead of discussing the issues brought up by the Opposition shows the

government's desperation. That it did so to please its vote bank is unfortunate. The move also shows its dictatorial attitude. HITESH NIGAM, New Delhi

### Can the RSS change?

It is hard for the RSS to reconcile its goals and compulsions ("RSS in favour of quota: Bhagwat", Sept. 20). Its attempts at openness and restructuring are futile. RSS chief Mohan Bhagwat's claim that the organisation keeps away from politics is belied by the diktats given to its political arm, the BJP. His claim that Hindutva does not exclude Muslims is falsified by the absence of Muslims in leadership positions in the RSS and the BJP. It is intriguing that Mr. Bhagwat speaks of a Hindu Rashtra and the Constitution in the same breath and finds no

inconsistency. If the RSS is really against caste discrimination, as stated, it should repudiate the religious texts that sanctify caste. It is no secret that the RSS draws its leadership from the upper castes. G. DAVID MILTON, Maruthancode

### Inter-caste marriages

The Miryalaguda and Hyderabad cases show that despite laws to protect people from caste-based discrimination, people are still killed for marrying outside their caste ("Man attacks daughter, husband days after inter-caste marriage", Sept. 20). It is surprising that people still say that all castes are equal, or that there is no caste system in India. What are these killings then, if not caste-discrimination in its most violent form? GUGULOTH BHASKAR, Mahabubabad

Was the father's 'humiliation' so great that it even trumped his love for his daughter? This barbaric action has gained him nothing, except more humiliation for being casteist and hopefully a jail term. ATHIRA CHEMBAKASSERY, Kozhikode

### Happy 140th birthday

I have been reading *The Hindu* for over 35 years now. I still remember how my family would fight to read the newspaper in the morning. On Sundays, we would divide the pages amongst ourselves and read them carefully. The editorial and opinion pages are of the highest standard. My only suggestion would be to increase news and analysis on district- and State-level politics and developments. This would not only reflect the issues faced by the common man

daily, but also make the government at the lower levels more accountable. D. DAVIDSON, Chennai

I have been reading *The Hindu* for the past five years and have learnt to analyse issues without any prejudice. People, especially nowadays, hold their rigid presuppositions to be supreme. However, the newspaper presents facts, figure and anecdotes to put things in perspective and helps us perceive issues in a holistic manner. GAGAN PRATAP SINGH, Noida

I am 28 years old. I have been reading *The Hindu* since 2008. My primary and secondary education was in Telugu. It is *The Hindu* that has helped me in improving my English, in understanding current affairs, in learning how to

understand an issue and argue, in solving Sudoku and word puzzles, and in getting a job. I can proudly say that I succeeded in various interviews and competitive examinations only with the help of this newspaper. B. SANKARANARAYANA, Kalaburagi

*The Hindu's* vocabulary, explanations and opinions make it stand apart from other newspapers. I started reading the newspaper when I was preparing for the intermediate exam for the civil services. I am grateful to *The Hindu* as it has helped me prepare for the exam and gives me confidence that I will achieve my goal of becoming an IPS officer one day. HARSH VARDHAN SINGH, Moradabad

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