



Second shot at power

Constitution is under strain in Karnataka, as an impatient Yediyurappa rushes to take oath

Giving a second opportunity to a person who could not prove his majority on the floor of the House earlier may seem unusual. And when one remembers that B.S. Yediyurappa's last term lasted only three days, it may even seem amusing. However, Governor Vajubhai Vala's invitation to Mr. Yediyurappa to form a government in Karnataka is understandable. A coalition regime has just been voted out. In a House that is only 14 months old, it was to be expected that the Governor would again ask the leader of the largest party to explore the possibility of forming an alternative regime. Yet, questions abound on whether Mr. Yediyurappa should have been in such haste to stake his claim, given that there is profound uncertainty over the status of at least 13 of the legislators, and consequently, about the strength of the House. Consider the situation: one government has been voted out only because of the absence of 15 legislators who were given an unusual exemption by the Supreme Court from the constitutional bar on defying the party's whip; the Speaker is yet to accept their resignations, but has disqualified three dissident MLAs under the anti-defection law, and the strength of the State Assembly stands at 222, including a nominated member. No one can dispute that the fall of the Congress-Janata Dal (Secular) coalition was supposed to be caused by a set of tactical resignations, but the move was stalled when it became a question of possible disqualification. One would presume that the Governor would have wanted to be doubly sure about the ability of the appointee to form a durable government. The BJP has the support of 106 MLAs, while the majority mark is 112. This means that when the Governor formed his opinion that Mr. Yediyurappa is in a position to command a majority, he was either counting on the remaining 13 rebel legislators vacating their seats soon, or was assured of their support to the incoming regime.

The Assembly election of May 2018 threw up a hung Assembly, and resulted in the second- and third-placed parties forming a post-poll coalition. Now that the coalition has unravelled, the Speaker's decision becomes crucial to determining the strength of the House. The BJP, for its part, ought to have exercised restraint rather than rushing in to fill the power vacuum. After all, three seats are now vacant, and the figure may go up to 16. The new Chief Minister may win the trust vote, but to remain in power for the current Assembly's term the party would have to win eight more seats in the resulting by-elections. The party has to live down the image of having engineered the fall of the H.D. Kumaraswamy government by getting Congress and JD(S) MLAs to resign. However, its leaders ran into an unusual roadblock when the two parties and the Speaker took the view that they were quitting only with the intent of defecting to the BJP. Speaker K.R. Ramesh Kumar reminded them that they could be disqualified, rather than be allowed to resign. He asserted that he was empowered to examine whether their resignations were voluntary or induced. And sensing that some of them may become Ministers in the next regime even without being members of the House, he reminded them that under Article 164(1B) of the Constitution, a person who is disqualified for defection could not become a minister without being re-elected to the House.

Regardless of the amoral politics and skulduggery behind the toppling of the regime, the role of the Speaker has been no less questionable. As a means of blocking moves to bring down the government some tactical decisions are understandable, but the manner in which the Speaker has used the law poses a threat to the autonomy of legislators in a general sense. First, can a legislator intending to quit his seat be accused of defection at all, when the penalty for crossing over to another party is the loss of that very seat? Given the propensity of presiding officers in the country to avoid deciding matters within a time frame, it is perilous to allow them to delay the acceptance of resignations until a point when the members concerned are seen as "voluntarily giving up their party membership", which is the first ground on which a member can be disqualified for defection. This is precisely what has happened in the current case. Secondly, does the power to scrutinise a resignation letter for its voluntary nature extend to rejecting it even if it is in the correct format and is handed over in person?

Even the disqualification of the three MLAs does not appear to be in order. Two of them, Ramesh Jarkiholi and Mahesh Kumathalli, have been disqualified on a petition seeking action against them that was submitted in February. It was not acted on for months, but revived in the wake of the resignation controversy. Secondly, it is a moot question whether sufficient opportunity was given to them, as the matter was decided after they were absent on the day they were due to appear. Further, the Speaker appears to have assumed the power to fix a period during which a member will remain disqualified, and barred the three MLAs for the remainder of the current Assembly's term. No such power is conferred on the Speaker by the 10th Schedule to the Constitution. Under the law, the Speaker may only declare a person as having incurred disqualification. Unlike other forms of disqualification, the one under the anti-defection provisions is not accompanied by any ineligibility to contest. One who is disqualified may contest in the very by-election caused by one's own disqualification. All in all, the goings-on in Karnataka show that the Constitution can be twisted and misread to suit anyone's political interests. In an atmosphere in which political loyalties swing like a pendulum, constitutional functionaries appear to be inclined to give self-serving interpretations to the founding law and let the web of confusion be disentangled by the judiciary.

Gaffeur, entertainer, Brexiteer, Premier

The rise of Johnson, U.K.'s 20th Etonian PM, marks not just the 'celebrification' of politics, but also its poisonous triviality



RICHARD SEYMOUR

Give it a few years, U.K. Prime Minister Boris Johnson told the House of Commons, and Britain will be "the greatest place on earth". The new Conservative leader, overwhelmingly elected by party activists, is the consummate confidence man. With a patter that makes the British media swoon, Mr. Johnson promises that he will deliver Brexit by October 31. Britain, of whose colonial past he is a bombastic champion, will be on top again.

Yet, everyone knows, including the backbenchers roaring and hawing with delight at his every word, that he can't deliver. There is no time for him to reach a new deal with the European Union (EU), even if it offers a new deal. The current Parliament will not pass the deal that is on offer. And if Mr. Johnson tries to leave without a deal, he will split his party and probably bring down his government.

There has been much frantic discussion in the British press about Mr. Johnson's appointed Cabinet members and advisers, stuffed full of Brexiteers and gurus from the 'Vote Leave' campaign. Yet, he doesn't get his way merely by surrounding himself with right-wing ideologues. To get the parliamentary numbers he needs to deliver Brexit, he would have to call a snap general election. And he spent much of his leadership campaign assuring fellow Tory MPs that they wouldn't have to face an election. Why? Because, since June 2017, it has been clear that Jeremy Corbyn could win a general election. Because, since the European elections, the new hard-right Brexit Party has almost cut the Conservative vote in half. The first poll since Mr. Johnson took the lead

dership put the Conservatives on 25% of the vote, exactly what it was before. If a new leader was supposed to result in a polling 'bounce' for the Tories, this must be very disappointing.

Farage offers a 'deal'

There is only one circumstance in which Mr. Johnson could risk an election. The leader of the Brexit Party, rightist enragé and former City trader Nigel Farage, has offered Mr. Johnson a "sensible deal". If he called an election before October 31 on the promise of quitting the EU on a 'no deal' basis, Mr. Farage might just stand down his Brexit Party candidates. But by cutting such a deal right now, Mr. Johnson would empower and legitimise a competitor, someone who has done enormous damage to the Conservative Party. Even if his colleagues were to permit such a deal, which is unlikely, he would be weakening his own position, confirming his party's terminal descent, and risking Jeremy Corbyn in Downing Street.

The most likely scenario is that Mr. Johnson will seek yet another Brexit delay to negotiate the terms of a new deal. And yet the only deal he could possibly get would be unacceptable to much of his party. He would need to build cross-party support, which would mean having discussions with Mr. Corbyn. That, he cannot do: one of the breaking points of Theresa May's reign was when she entered into formal talks with Mr. Corbyn, a man whom she and many of her colleagues bait as a 'traitor' to the country. Mr. Johnson, among the first to condemn her for it, would be hoist by his own petard if he risked such negotiations.

So what, then, is the point of Mr. Johnson's charade? Why did Conservative MPs overwhelmingly choose him as the best leadership candidate? Why did party activists trust him? Why did the Conservative press, from the pro-Brexit *Daily Telegraph* to the pro-Europe



*Evening Standard*, back him? Why are right-wing tabloids so delirious about their new leader? The short answer is that after two years of disarray, defeats and demoralisation, Mr. Johnson offers that seductive opiate: optimism.

Lacking answers to the constitutional crisis, underlying crisis of legitimacy for the political system, and stalemated economy, and well out of options, the Right is hankering for the 'hope-ium'. As the *Daily Mail's* front page beseeched, referencing a famous song by the old British comedy duo Morecambe and Wise, "Bring Us Sunshine".

Such a bathetic plea, just over a couple of years after the same paper hopefully exhorted Prime Minister May to "Crush The Saboteurs", shows how deep the depression goes. Indeed, Brexit was itself partly a placebo answer to a long-brewing melancholia on the British Right over the loss of empire: chauvinist self-assertion as national therapy.

Mr. Johnson is the right person to benefit from this because, like Donald Trump, he is a product of the entertainment industry. It is through his self-clowning appearances on the satirical show, 'Have I Got News For You', that he invented his public persona as a harmless gaffeur, stumbling through political life. That persona shrouded his politics in ambiguity.

It won him the matey, gently mocking affection of correspondents, who uniformly call him 'Boris'. It enabled him to become London Mayor twice, despite achieving staggeringly little, and wasting money on vanity projects like water cannons. It saw him through scandals that might have crushed other politicians.

Erring and apologising

In his political columns, written for the Thatcherite faithful, he is a provocateur, who refers to black people as "piccaninnies" with "watermelon smiles", equates Papua New Guineans with cannibals, refers to gay men as "tank-topped bum boys", and suggests that the colonial powers should reconquer their former empires. If ever caught out in one of these statements, he plays up the clowning, knowingly adding one more entry to his "global itinerary of apology".

His stint as Foreign Secretary was less kind to him. The Foreign and Commonwealth Office being a residue of the empire, Mr. Johnson felt compelled to remind people of the fact. On a trip to Myanmar, for example, he thoughtlessly recited Rudyard Kipling's pro-colonial poem, 'The Road to Mandalay'. Many Britons, particularly older conservatives, would have enjoyed Mr. Johnson's display of

chauvinism. More seriously, his laziness and refusal to understand his brief scuppered negotiations with Iran over the release of a detained British journalist, Nazanin Zaghari-Ratcliffe. She is still in prison.

Yet these scandals didn't hinder his progress. Why? Because, like Mr. Trump, he made his base feel good. He was entertaining copy for editors, producers and his social media following. And in a leadership election in which no one had any answers, Mr. Johnson at least had star power.

In part, this is an old story about the Eton-educated rich dominating politics. Mr. Johnson is the 20th Etonian Prime Minister. Legend has it that W.H. Auden, when told by his schoolmaster that only the 'cream' attended his school, replied: "yes, I know what you mean: thick and rich". The preparation of the thick and rich for rule has been the vocation of the U.K.'s public schools for centuries. Yet, Mr. Johnson also embodies, not just the 'celebrification' of politics, but also its relentless and poisonous triviality. It is noticeable that new right-wing tendencies are thriving in cultures of flippancy, contrarianism and on-line irony.

The pervasive lack of seriousness in Britain's political culture, which has internalised the values of mass entertainment, has enabled the new celebrity-politician to evade consistency and accountability, and revive discredited ideologies.

To what effect? In this case, the main result of Mr. Johnson's ascent is to store up yet another meltdown at the top of government, and a bitter backlash among the base. This may be a terminal crisis for the Conservative Party. And it is not likely to end well for the country either.

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From 'being different' to 'being dishonourable'

Under Advani, being a 'party with a difference' was BJP's article of faith; under Modi, the claim is just a nostalgic memory



KARAN THAPAR

These days, I find myself increasingly thinking of Lal Krishna Advani. He was the president of the Bharatiya Janata Party (BJP) in 1990 when I returned to India and started working as a journalist. In those days, privately owned news channels did not exist. Doordarshan was a monopoly. The only way independent current affairs was possible was through video magazines. There were two that were best known: Newstrack and Eyewitness. I was the editor of the latter.

I did many interviews with Mr. Advani, probably more than I did of any other politician in that *fin de siècle* period. The common thread that ran through the interviews was a ploy I was rather fond of. Whenever my focus was on an issue or a decision that smelt of realpolitik and appeared less than ethical, I would counter Mr. Advani's defensive answers with a set statement, which I delivered with a grin: "That answer may be okay for other leaders but how can it be acceptable for the president of a

party that calls itself 'a party with a difference'?"

There wasn't a single occasion when this didn't make Mr. Advani wince. It wasn't just embarrassment that I could discern but pain, of the sort that's self-inflicted and, therefore, more hurtful. Whenever that happened, I knew I had made my point. Mr. Advani was too shrewd a politician to verbally concede but the look on his face said it all.

Part of moral core

In those days, the BJP genuinely believed that it was different from every other party. This difference was its moral core. It convinced the party that it was superior to others. At that time, it had 85 MPs in the Lok Sabha but even when six years earlier it just had two, it drew its strength from its moral conviction as much as from its legislative numbers.

I wonder what Mr. Advani would make of his party's behaviour today? Since the swearing in of Prime Minister Narendra Modi for a second term, the BJP has been on an unparalleled – and, it seems, unstoppable – spree of luring MPs, MLAs and even corporators. This has happened in Karnataka, West Bengal, Goa, Uttar Pradesh and Andhra Pradesh. And it has happened by a variety of no-



vel methods. On one occasion, two-thirds of a party's strength in the legislature defected; on another, a sizeable number of MLAs resigned to enable the BJP to cross the majority mark.

Not only is the BJP unconcerned about what this has done to its moral image, but also, perhaps more surprisingly, it is indifferent to what this will do to its internal cohesion and ideology. Consider Goa. The 10 Congress MLAs who switched to the BJP had been elected to oppose it but three of them are now members of its government. One is the Deputy Chief Minister. Just two months ago, they were strong opponents of Hindutva. Today, they are its champions. No doubt this says a lot about

them but it also speaks volumes about the sincerity of the BJP's Hindutva message.

Embracing the defectors

Let me go one step further. Atanasio 'Babush' Monserrate faces several serious criminal charges, including over the rape of a minor in 2016. This was forcefully raised by the BJP in the Panaji byelection just two months ago. 'Save Goa from Babush' was the party's slogan. On that occasion, he won and defeated the BJP candidate. Today, the BJP has opened its arms and embraced him. His wife Jennifer is a Minister in its government. The charges he faces have been forgotten and forgiven.

It seems that in its inexorable march to a comprehensive domination of Indian politics, the BJP is trampling upon its own moral principles and ethical values. No doubt this first happened in Karnataka in 2008 with 'Operation Lotus' but, at the time, that was a one-off and the BJP was not proud of it. Now, there's a brazen defiance of ethics and unconcern with the consequences. The party wants to form a government or gain legislative strength no matter what the cost. It's the end that matters not the means. Success is its own justification.

So where does this leave the

BJP's vaunted claim of being a 'party with a difference'? The truth is that under Narendra Modi and Amit Shah, the BJP feels like any other party. In 1980, when members of the Haryana Janata Party under Bhajan Lal defected *en masse* to Indira Gandhi's Congress, Mr. Advani would have called it the worst example of 'Congressisation of Indian politics'. Today we're witnessing the 'Congressisation of the BJP'.

There is, however, a deeper irony here. Few would deny that Mr. Advani is a founding architect of the BJP. He took it from two seats in 1984 to six years in power beginning 1998. During those three decades (1984 to 2004), the claim of being a 'party with a difference' was not just meaningful but, for many, an article of faith. A mere decade and a half later, Mr. Modi and Mr. Shah have taken the BJP to another level altogether. Mr. Advani could only have dreamed of where it has got to. But, in the process, the party's proud claim of 'being different' has been scrubbed. Today, that is just a nostalgic memory for Mr. Advani's generation. I bet the modern BJP doesn't even know what it means or, if it does, considers it a foolish commitment.

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LETTERS TO THE EDITOR

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Karnataka imbroglio

The proposal, by K.R. Ramesh Kumar, Speaker of Karnataka Legislative Assembly, to include 'opinion of voters' as a factor to take into account, before deciding on 'resignations by Members', is worth discussing ("Karnataka Speaker disqualifies three rebel Congress MLAs," July 26). However, voters cannot insist on a particular person to be their representative, against the person's own concurrence. Ultimately, resigning must be one's personal right. Alternatively, Mr. Ramesh Kumar's suggestion can also be interpreted as an allusion to possibly giving

the voters the right to recall elected representatives. Nevertheless, some improvements to the rules governing defections and disqualifications are needed. MLAs/MPs can be assumed to have the people's mandate only to follow their party's policies and programmes. But their right to subscribe to other ideologies, policies and programmes can be allowed on the sole condition that they resign and seek a fresh mandate before crossing over. If any Member violates this requirement, the Speaker should have the right to disqualify him/her. P.R.V. RAJA, Pandalam

H.D. Kumaraswamy never had the mandate to rule Karnataka. He was the leader of the Janata Dal (Secular), a party which finished third in the Assembly elections. The parliamentary poll results were a further affirmation that Congress-JD(S) combine didn't have the mandate. Under the circumstances, it was understandable that so many of coalition MLAs raised a banner of revolt. People of Karnataka suffered for one month as there was no government and governance was on an autopilot mode. No one outside Mr. Kumaraswamy's core support base will mourn his exit. R. SIVAKUMAR, Chennai

Disgust gives way to anger as we observe the disgraceful behaviour of the elected representatives in Karnataka. Not just these unprincipled and selfish politicians, the electorate should also take the blame for these shameful scenes. Just like in Rajasthan High Court, the appellation 'My Lord' has been dispensed with, it is high time the appellation 'Honourable' is dropped while addressing our MLAs and MPs as it is a misnomer in most of the cases. S. RAJAGOPALAN, Chennai

(RTI) Act were pushed through Parliament even in the face of stiff opposition from several political parties and widespread resentment in the civil society betrays the authoritarian mindset of the ruling coalition ("RTI Amendment Bill passed in Rajya Sabha amid protests," July 27). It is ironical that despite enjoying huge majority, the Bharatiya Janata Party (BJP) feels insecure when it comes to transparency and probity. The RTI became possible not through the generosity of any one political party but because of a prolonged people's movement. That a sudden political fiat seeks to destroy its spirit is most unfortunate. The

amendments done should be forthwith withdrawn or the Bill should be sent to a Select Committee of Parliament. SATISH C. AIKANT, Mussoorie

One of the worrisome features of the Amendment Bill is that it encroaches upon the rights of the State Governments to appoint State Information Commissioners and gives this power to the Central government. This amounts to an assault on the principle of federalism which is a basic feature of the Constitution. M. JAMEEL AHMED, Mysuru

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