



## Broken Houses

The Budget session shamed democracy; the damage can be undone with a new session

With the two Houses of Parliament adjourned *sine die* on April 6, the institutional crisis afflicting the legislature has been framed by both statistics and the solutions being offered by the Treasury and Opposition benches. While each side is stacking the blame at the other's doorstep, neither will emerge unscathed; within the heavily polarised, disruption-at-any-cost strategising inside Parliament there is no sign of wiser counsel to reach across the floor and forge a via media. The session began on January 29, the Union Budget was presented on February 1, and the first part concluded on February 9. In the second part of the session, starting March 5, the productivity of both Houses was less than 10%. Against a long list of pending Bills, just one was passed by both Houses, the Payment of Gratuity (Amendment) Bill 2017. That was it for the Rajya Sabha. The Lok Sabha passed three other bills related to the Budget: the Finance Bill 2018 and two Appropriation Bills. These are money bills that do not need the Rajya Sabha's nod, and with the National Democratic Alliance's numbers in the Lok Sabha, their passage was never going to be in doubt. But it must be an occasion of shame that the Budget was passed in the Lower House without any debate whatsoever. Other numbers deepen the reading of the crisis: both Houses lost more than 120 hours each to disruptions; and the Rajya Sabha took up just five out of 419 listed starred questions (that is, questions that Ministers answer orally, with MPs allowed to ask supplementary questions).

However, the crisis is defined by more than numbers; it is the quality of interaction that is damaging India's democracy. The Lok Sabha Speaker, most glaringly, failed to use the powers at her command to suspend unruly MPs so that a notice for a no-confidence motion could be considered. Certainly, for all the expedient calculations that guided Opposition parties and the government at different points to have the Houses disrupted, eventually neither benefits. Both come across looking effete – the Opposition for failing to keep the government answerable (especially by failing to use Question Hour), and the government for not mustering the grace and conviction to debate a no-trust motion. Some ruling party MPs proposed that their salaries be docked, as if the crisis is nothing but budgetary. A special session before the monsoon session to finish pending business has been mooted. Although this is bound to raise the question why Parliament was held to ransom if the Opposition had indeed wanted it to function, it is an idea worth considering seriously by all parties. For one, it provides an opportunity to fix a broken parliamentary calendar and finish unfinished legislative business. For another, even the process of reaching an understanding to hold another session may help in repairing, at least to a degree, the very image of our parliamentarians – who seemed to be unabashed about creating and sustaining an institutional crisis.

## The fall of Lula

The conviction of Brazil's former President throws its politics into further disarray

The arrest of former Brazilian President Luiz Inacio Lula da Silva after his conviction in a corruption case is a blow to his Workers' Party, which hopes to return to power in the October general election. Mr. Lula da Silva, or simply 'Lula', had announced he would contest the poll, and was the front runner to become President. But after a federal judge rejected his request to remain free till his appeal options are exhausted, his eventful political career – which began as an organiser of metal workers when Brazil was under a dictatorship – seems to have come to an end. On Saturday he began his 12-year jail term, and asked supporters to "transform themselves" to keep the revolution going. Over the last few years, Brazil's judges and prosecutors had launched a set of investigations into alleged corruption cases that became known as Lavo Jato, or Car Wash, targeting mainly Workers' Party leaders. Dilma Rousseff, his chosen successor and Brazil's first woman President, was impeached in August 2016 over allegations of cooking the country's budget accounts. That brought an end to 13 years of Workers' Party rule. With Mr. Lula da Silva now behind bars, the Workers' Party, arguably the most powerful political organisation in Brazil with a strong base among the country's poor and the working population, will face a challenge in its election campaign this year.

Prosecutors say Mr. Lula da Silva has been convicted in a proper trial and that he should be treated as any other citizen before the law. But his supporters as well as several international observers have raised questions about the judiciary's stance. The case against him is that he accepted an apartment as bribe from a construction company as a *quid pro quo* for contracts granted. But there is no documentary evidence that either he or his wife owned the apartment, rented it out or stayed there. The evidence against him is the testimony of an executive of the company, which prosecutors got as part of a plea bargain. Still the judges found Mr. Lula da Silva guilty as they also concluded that the contracts given out to companies under his rule were overpriced. It is also no secret that several from the establishment elite wanted him out of politics. On the eve of the Supreme Court hearing of Lula's appeal, the Army chief tweeted that the military "repudiates impunity", apparently sending a message to the judiciary. By imprisoning its most popular leader on such weak evidence at a time when the polarised country is ruled by unelected elite, the judges may just have heightened the crisis in Brazil's young, fraught democracy.

# Inclusion and the right to dignity

The onus of battling discrimination must not fall on the shoulders of Dalits alone



NEERA CHANDHOKE

On the morning of April 3, the front pages of newspapers told us of violent protests by Dalits in northern India the day before. They had opposed the dilution by the Supreme Court, in its order of March 20, 2018, of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. Blazing headlines and accounts that followed told us how many people had been killed and injured, about innumerable acts of arson, of the blocking of trains, closure of shops and the calling in of Central forces in some States. Sadly, the tone of most reports was dispassionate, soulless and bare. They might have been recounting a tale of a privileged group inflicting violence on geographical and human landscapes for the noble purpose of lowering taxes.

But we need to go beyond headlines and ask why a vulnerable community took to the streets. Think of its desperation, how it has lost confidence in the ability of Indian democracy and now the judiciary to give it justice, how the promises of the Constitution have been blatantly and vulgarly betrayed, and how it has been subjected to repeated indignities, reiterated insults and bodily harm by citizens of this great Republic. Worse, its own leaders have let it down.

If the leadership had faithfully discharged its mandate of representing the needs of Dalits, the represented would not be living lives that are best described as subhuman. In January 2016 the death of Rohith Vemula, in July 2016 the public attacks on Dalits in Una,

and earlier this year attacks on celebrations of the historic Bhima-Koregaon battle in Maharashtra showed up in great detail the flaws of our body politic. How many more indignities does the community have to suffer? How long will non-Dalits be indifferent to this suffering? It is time to reflect. What has gone wrong with the project of justice that independent India initiated with a flourish? What has gone wrong with our own sensibilities? It is time to agonise and to feel shame.

### Uneven results

Affirmative action policies centring on the politics of presence have certainly contributed to the repair of historical wrongs. The advantages of these policies are, however, unevenly spread out. The constituency of affirmative action has benefited in bits and pieces. For instance, we see the making of an educated and professionally qualified Dalit middle class. A Dalit movement has succeeded in prising open worlds that for long had been closed to the community. Activists have seized the right to voice through collective action, and now influence and even shape, public debates.

Today, Dalits write their own histories and biographies. A vibrant literary movement denounces the ostracism of an entire community from mainstream society, and chronicles the nerve-racking experience of being treated as an outcaste. Challenging prevailing literary conventions, rewriting the script of literary and poetic production, inserting the community into critical narratives of the Indian nation, and intent on representing their own community, writers have profoundly dented the way we think of others and of ourselves.

This genre of literature has



gained considerable acclaim. English translations of Dalit literary works, for example Omprakash Valmiki's *Joothan* (2003), Narendra Jadhav's *Untouchables* (2005), and Baby Kamble's *The Prisons We Broke* (2009), have expanded the canon of post-colonial literature and aesthetics in Indian and western universities. And, above all, electoral politics, affirmative action and the space afforded by civil society for mobilisation have enabled a suppressed community to recover agency and speak back to codified power. Yet caste-based discrimination persists in significant areas of social interaction. In short, the one vital good that the justice project tries to secure – respect/self-respect – continues to elude attempts at repair of historical injustice.

### Unrealised justice project

The impact of disrespect upon the Dalit community cannot be underestimated. Disrespect reinforces other injustices confronted by the community in everyday life. And it disrupts social relationships based on the reciprocal obligation to see each other as equal and as worthy of dignity. Disrespect demoralises and diminishes human beings and erodes their confidence to participate in the multiple transactions of society with a degree of assurance. Despite historical struggles against rank discrimination in

words, verse, and collective action, despite acceptance of historical wrongs by the leaders of the freedom struggle, despite the mobilisation of the Dalit community, and despite affirmative action, caste-based discrimination continues to relentlessly stalk the political biography of independent India. Till today what caste we belong to continues to profile social relations, codify inequalities, govern access to opportunities and propel multiple atrocities. The project of justice remains unrealised.

Indians have failed to secure justice for their own fellow citizens. It is time to express solidarity. Constitutional and legislative provisions and Supreme Court judgments are important, but they are simply not enough. If the right to justice is violated, citizens should be exercised and agitated about this violation. For this to occur, for society to feel deeply about violations of basic rights, the right to justice has to be underpinned by a political consensus. A consensus on what constitutes, or should constitute, the basic rules of society is central to our collective lives. A social movement geared to attack caste-based discrimination can remind us that denial of respect is a problem for non-Dalits as well.

### Shrugging off indifference

To put the issue starkly, if respect is compromised, the project of redistributive justice has borne inadequate results. One of the most essential goods human beings are entitled to, the right to dignity, has not been realised. For this right to be recognised, social movements that speak the language of equality for their own particular constituencies have to come together and support the idea of building a political consensus on what is due to all human beings, what should

be done for them and what should not be done to them.

We read of such movements in pre-Independence India. In independent India, the onus of battling discrimination has fallen onto the shoulders of Dalits. The rest of society wends its way without regard for the infirmities of its fellow citizens. We have to shrug off indifference and shoulder responsibility. It is only when we concentrate on the construction of a political consensus in society, that the uncomfortable distinction between 'us' and 'them' that bedevils much of the case for remedial justice will dissolve. We have to do this because disadvantaged communities are not only likely to be economically deprived but also socially marginalised, politically insignificant in terms of the politics of participation as distinct from the 'vote', humiliated, dismissed and subjected to intense disrespect through practices of everyday life. Anyone who suffers from these multiple disadvantages will find it impossible to participate in social, economic and cultural transactions as an equal.

Certainly, efforts have been made to repair historical injustice. But the ideology of discrimination continues to dominate despite a multitude of constitutional provisions, laws, affirmative action policies and political mobilisation. We can no longer assume that some redistribution of resources will lead to respect and self-respect. The politics of voice can achieve a great deal in the public sphere, but if the ideology of discrimination continues to shape social relations, much of the gains are lost. One of the most essential goods human beings are entitled to, the right to respect, has not been realised.

Neera Chandhoke is a former Professor of Political Science at Delhi University

# Smoke in the woods

The draft Forest Policy re-emphasises production forestry, raising many ecological and social concerns



SHARACHCHANDRA LELE

Government policy documents are statements of goals, priorities and strategies. If old strategies have failed or circumstances have changed, they should be revised. Given that our Forest Policy was last revised in 1988, changes are perhaps overdue. The new draft Forest Policy 2018, however, ignores the lessons from this period and returns to the state-managed forestry of the 1950s, but with a neoliberal twist.

### Policy conundrum

India's diverse forests support the livelihoods of 250 million people, providing them firewood, fodder, bamboo, beedi leaves and many other products. The timber currently benefits the state treasury. Forests also regulate stream flows and sediment, benefitting downstream communities. Finally, they provide global benefits of biodiversity and carbon sequestration. However, these multiple goods and services, flowing to different beneficiaries, cannot be simultaneously maximised. Forest policy, therefore, focusses primarily on which benefits (and beneficiaries) to prioritise, where and through what process. Another focus area is to decide when and through

what process to allow diversion of forest land for "non-forest" activities such as dam building, mining and agriculture.

Forest policy in colonial India focussed on maximising products and revenues for the state through the imperial forest department as sole owner, protector and manager of the forest estate. Unfortunately, post-Independence policy continued this statist approach. Forests were seen as sources of raw material for industry and local communities were simply treated as labour.

In a paradigm shift, the 1988 Forest Policy recognised the multiple roles of forests and prioritised environmental stability over revenue maximisation. It also acknowledged that the needs of forest-dependent communities must be the "first charge" on forest produce. Equally important, the policy emphasised people's involvement in protecting and regenerating forests, thus formally recognising the limitations of state-managed forestry.

### Post-1988 experience

Joint forest management (JFM) was initiated in the 1990s to implement the concept of people's involvement. But what began with great expectations eventually ended up as a nation-wide charade. Foresters created thousands of village forest committees but severely limited their autonomy and jurisdictions. Donor money was spent on plantations but activities were stopped once funds ran out.



"People's participation" by executive order was too weak and lopsided a concept. Instead what was required was substantive devolution of control over forests.

The Forest Rights Act (FRA) of 2006 created a historic opportunity for such devolution. Its community forest resource provisions gave communities rights to both access and manage forests. Today, thousands of villages in Maharashtra and Odisha have received these rights, and hundreds have begun to exercise them.

The 1990s also saw the Supreme Court getting involved in forest governance. To regulate forest diversions, it introduced a high 'net present value' (NPV) charge on the lands diverted. But the court refused to assign any role to local communities affected by such diversion, not even a share in the NPV received. Again, the FRA democratised the diversion process by requiring community concurrence for forest diversion once community forest rights are recognised. The Adivasis of Niyamgiri in

Odisha exercised this provision to prevent bauxite mining in their sacred hill tracts.

### Production and plantations

Does the 2018 Forest Policy draft build on the new direction of 1988 and incorporate the lessons learnt since then? Unfortunately, the answer is a no. But in the haze of poorly written text with its platitudes and confusion, one intent is visible. Carping about the decline in forest productivity, it identifies "production forestry" and plantations as the "new thrust area". Forest development corporations, white elephants of the statist era, are to be the institutional vehicle. But in a neoliberal twist, they will now enter into public-private partnerships (PPPs) to bring corporate investment into forest lands.

In the past, production forestry led to replacing natural oak forests with pine monocultures in the Himalayas, natural sal forests with teak plantations in central India, and wet evergreen forests with eucalyptus and acacia in the Western Ghats. All this has decimated diversity, dried up streams and undermined local livelihoods. PPPs will entail more such destruction, with even the profits ending up in corporate hands.

If local communities had a say in forest governance, they would challenge this production forestry model. So there is little about decentralised governance in the draft policy though the term "community participation" is tossed around liberally. The draft

talks of "ensuring synergy" between gram sabhas and JFM committees, when the need is to replace JFM committees with statutorily empowered gram sabhas, and revamp the colonial-era Indian Forest Act by incorporating FRA provisions.

### Carbon and CAMPA

So, what is the impetus behind this new draft policy? Granting the private sector access to public resources is one. But an additional driving force seems to be India's commitment made in Paris in 2015 to sequester 3 billion tonnes of carbon dioxide in our forests. "Carbon neutral timber" is listed as the first benefit from forests and a subsection on integrating climate change concerns highlights its importance. Conveniently, the accumulated ₹50,000 crore of NPV monies (called CAMPA, or Compensatory Afforestation Fund Management and Planning Authority, funds) provides the means to achieving this carbon target. The CAMPA Act and its recently released rules demonstrate the government's intent to fall back on state-managed forestry to meet new "national" goals; the draft policy ropes in the private sector as well. This overlooks the ecological and social implications of carbon and production forestry and the need for decentralised democracy.

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## 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.

### Bail for Salman

The conviction of one of India's much-followed celebrities in an almost two-decade-old case and his release on bail within a short while shows the difficult line one has to follow in such cases ("Marigold and roses greet Salman", April 8). Enforcement of the law to protect even endangered species should be impartial whatever be the social status of the offender. Laxity will only lead to encouraging such senseless acts against voiceless birds and animals.

B. GURUMURTHY,  
Madurai

■ A person convicted for five years after a long-drawn litigation for nearly 20 years walking free within 48 hours

of the order having been pronounced only illustrates the deceptive state of the rule of law prevalent in India. One's heart goes out to the Bishnoi community, which had to take on the might of a battery of lawyers deployed by the actor and is still raring to go to get justice for the poor animals. The speed with which Khan's bail was granted is quite in contrast to the plight of thousands of undertrials languishing in jails across India without being given an opportunity to be heard or even convicted. The Bollywood fraternity, which revels in the 'triumph of truth over evil' type of films for the consumption of the gullible, is now battling for Khan by projecting him as a sort of martyr, has not crowned itself with glory. It

is taking sycophancy to a deplorable level.

V. SUBRAMANIAN,  
Chennai

■ It is a pity that in India, even negative deeds are considered heroic achievements. Look at the hero's welcome the actor received after his release. One cannot help contrast this with the 'bashing' the Prime Minister receives for all his well-intended and constructive efforts in trying to cleanse our corrupt system.

V.S. GANESHAN,  
Bengaluru

### State of our banks

The Reserve Bank of India's recent circular is a pointer to the ignorance prevalent in the Central bank about the reality in India ("Skeletons in

banks' closets", *The Hindu* on Sunday - Section 2, April 8). The bank needs to be staffed with those who have a sound knowledge of banking, especially when it concerns credit appraisal, dispensation, monitoring, scrutiny, follow-up as well as recovery. Without this there is no point in issuing circulars and notifications on what can be termed as a trial and error method. As far as the mounting burden of NPAs is concerned, the reason why a particular borrowal account has gone bad must be analysed. If poor agriculturists and farmers face the music over non-payment of agricultural advances, often the result of a poor monsoon or other natural causes, why should large industrial borrowers be

shown any mercy?

R. BALAKRISHNAN,  
Chennai

### Counting rhinos

Most of us are oblivious to the fascinating insights into the life of the Indian rhinoceros ('Ground Zero' article, "All the rhinoceroses", April 7). The beautiful creature deserves a shot at survival. That peaceful coexistence between the local community and the rhino is essential is a crucial point that will help in the conservation of any endangered species.

ABHISHEK M.R.,  
Ajarkad, Udipi, Karnataka

### Leading the charge

Of all the medals India has won so far at the Commonwealth Games, it is

the one bagged by Venkat Rahul Ragala, in weightlifting, that is heart-warming. I wonder how many of us know that the youngster is from Stuartpuram in Andhra Pradesh, a colonial reformatory colony which has still not been able to shake off its tag of being a village of criminals. Long-time readers of *The Hindu* may recall the plight of those in the village which was the focus of an article ('Ground Zero' page - "The agony of Stuartpuram", November 25, 2017). One hopes that youngsters in Stuartpuram will be able to draw inspiration from Rahul's feat.

S. GLADSTONE,  
Guntur, Andhra Pradesh

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