



Lynching & the law

Supreme Court order highlights the bigotry and prejudice behind the mob violence

The Supreme Court order calling for a special law to deal with lynching sends a strong message about the growing phenomenon of mob violence. From vigilante violence targeting cattle traders in the name of cow protection, it has taken a new turn. While the former was organised vigilantism, the recent spate of killings seemingly comprises impulsive and unplanned acts of violence, fuelled by rumour and panic-inducing social media messaging. Last year the apex court reminded the Centre and the States they cannot remain silent while vigilantes take the law into their own hands in the name of cow protection. It asked all States to appoint nodal officers in each district to curb mobs. While the incidence of lynching and violence committed by self-styled *gau rakshaks* appear to have reduced since then, the killing and attacks on those mistaken to be child-kidnappers have had a disquieting rise. The police say the circulation of videos and other messages about child-lifters through messaging apps is the main reason. In its 45-page order, the Supreme Court has significantly located lynching and vigilante violence in a socio-political framework linked to disrespect for an inclusive social order, rising intolerance and growing polarisation. There is an implicit indictment of the preponderant mood of the times when it says that “hate crimes as a product of intolerance, ideological dominance and prejudice ought not to be tolerated”.

Besides directing specific preventive, punitive and remedial measures, a three-judge Bench headed by the Chief Justice of India has mooted the idea of making lynching a separate offence. It says a special law would “instil a sense of fear” among those involved. Whether a special law is enough to ensure a greater level of deterrence is open to question, especially so when murder and mob violence are covered by existing provisions. But in sending this message out, the apex court has ensured that the issue cannot be brushed under the carpet and, *ipso facto*, has forced those who govern us to pay special attention towards curbing this madness. Any legislation though should be comprehensive, covering not only incidents of lynching, but also the extent to which criminality can be apportioned among rumour-mongers, instigators, principal offenders and those who are accessories to the crime. Whether it must penalise (and if so how) those who do nothing to stop such crimes or help bring the offenders to book, is another issue worth considering. The judgment places the onus on the law and order machinery to prevent and punish lynchings. But we must heed what it says on the role of bigotry, non-acceptance of plurality and diversity in creating an atmosphere where human beings are dehumanised: one in which freedom of speech, expression and personal choices are endangered.

Dangerous law

Israel's 'nation state' law undermines its Arab minority and obstructs the peace process

The ‘nation state’ law passed by Israel’s Parliament amid strong protests by Opposition lawmakers, has raised concerns about its commitment to peace in the region. The legislation, which will become one of Israel’s powerful Basic Laws that have constitutional status, lays down that “Israel is the historic homeland of the Jewish people and they have an exclusive right to national self-determination in it”. The law strips Arabic, the first language of 1.8 million citizens, of its national language status; states that Jerusalem, “whole and united”, is its capital; and vows to “promote and encourage” the establishment and consolidation of Jewish settlements, which it sees as a national value. Supporters of the Bill say it is aimed to boost Israel’s Jewish identity and will not discriminate against minorities. But the reality looks more complicated in Israel and the occupied territories. As it is, the Arab community, which makes up a fifth of Israel’s population, faces discrimination when it comes to opportunities and rights. The Israeli right’s anti-minority politics is no secret. By providing exclusive right to national self-determination only to the Jewish people and by downgrading Arabic’s status, the law sends a clear message. For decades, the Israeli far-right sought Jewishness as the ethnic religious character of the state. The new Basic Law sets the stage for that transition, challenging the basic concepts of equality, which even Israel’s declaration of independence promised to all its inhabitants. Arab MPs have called the legislation racist and a form of apartheid aimed at creating two systems within one country.

The emphasis on Jerusalem and the promise to promote settlements pose a direct threat to any peace process with the Palestinians. Jerusalem remains a disputed territory, with Palestinians seeing its eastern part as the capital of their future state. Israel’s claim over the city remains a key point of dispute between the two sides. Besides, if Israel sees Jewish settlements as a national value and continues to promote them in the Palestinian territories, it cannot command confidence when it says it is still committed to the two-state solution. The law further erodes the credibility of Israel’s professed support of an independent Palestinian state. Israel has just passed two other pieces of legislation – one places limits on Palestinians under occupation in accessing Israel’s High Court, and the other bans individuals and groups seeking political action against the country or the prosecution of Israeli soldiers abroad, from entering Israeli school premises. Together, these laws allow the Israeli state to institutionalise discrimination against the minorities at home, deepen occupation in the Palestinian territories and stifle even the limited rights of the Palestinians living under occupation.



YOGENDRA YADAV
AVIK SAHA

As the Lok Sabha debates the vote of no confidence today, representatives of farmers from across the country will be marching outside Parliament under the banner of All India Kisan Sangharsh Coordination Committee (AIKSCC), an umbrella body of 201 farmer organisations. Farmers have already passed a vote of no confidence against this government. Far from helping the farmers, this government has actually harmed them in their hour of crisis. This is a strong indictment, backed by solid evidence.

Here, it is not conclusive to give data on sluggish agricultural growth during this regime. Agricultural production suffered due to consecutive droughts for which it is unfair to blame the government. Nor can we use the data on farmer suicides to make a conclusive argument, as this government has tinkered so much, both with the definition of the term and data collection on it, that the data has been made unusable. Further, in any case, the data on farmer suicides has not been released for 15 months now.

Ten arguments

Here are ten concrete, evidence-based, arguments on why the farmers of India express their vote of no confidence against this government.

First, this government has failed to act on any of its major election promises in 2014. The Bharatiya

Janata Party (BJP)’s manifesto promised nothing short of “highest priority to agricultural growth, increase in farmers income and rural development”. The government’s own Economic Survey 2018 has already conceded that farmers’ real income has “remained stagnant”, recording a 1.9% growth over four years. The concrete promise of higher public investment in agriculture did not materialise; in fact, it has declined in terms of its share of GDP.

The new farm insurance scheme, the Pradhan Mantri Fasal Bima Yojana, has consumed thrice as much money as earlier schemes without either increasing the proportion of farmers who benefited from it, or giving a fair claim to the farmers. The promise of “welfare measures” – for farmers above 60, small farmers and farm labourers – was forgotten. The National Land Use Policy was never enacted. The Agricultural Produce Market Committee (APMC) Act was not reformed. We don’t even have a ‘promises vs. delivery’ report card yet.

The MSP promise

Second, the Narendra Modi government actually reneged on its biggest promise of ensuring “50% profit over the cost of production” to the farmers. In February 2015, it filed an affidavit in the Supreme Court refusing to implement this promise on the ground that it will “distort” the agricultural market. As pressure from farmer organisations mounted, the government shifted the goalpost in the 2018 Budget by changing the definition of cost of production for the purpose of calculating the Minimum Support Price (MSP).

Third, not only did the government not fulfil its promise of



“cost+50%” as MSP, it did not even maintain the routine annual increase in MSP. It began this by stopping the bonus over the MSPs announced by State governments. Over the nearly five-year period, the percentage increase in MSP by this government has actually been lower than the hike by both the previous governments.

Even this government’s much-publicised recent hike in MSP this year is lower than the year-on-year increase announced by the United Progressive Alliance (UPA) in 2008-09. The Modi government’s failure to implement the MSP that it announced forced the farmers into distress sale of Kharif and Rabi crops, amounting to at least ₹50,000 crore, in 2017-18.

Fourth, this government is guilty of perhaps the most lackadaisical response to nationwide droughts in 2014-15 and 2015-16. The central government’s response was limited to a revision in the eligibility cap for compensation and a routine raise in the compensation amount but also included cuts in contribution to States from the National Disaster Relief Fund. Despite repeated push from

Making it difficult to ‘Other’ the Muslim

#TalkToAMuslim marks a symbolic victory; but it is shameful that Muslims should be made to initiate such an outreach



G. SAMPATH

A new hashtag, #TalkToAMuslim, began trending on Twitter earlier this week. In what is an ironic comment on the times, a campaign seeking to counter communal polarisation itself fell prey to polarisation. In a matter of hours, social media was riven into two hostile camps: one scathing in its criticism of the hashtag, and the other steadfast in its defence of it.

Both Hindus and Muslims participated in the campaign, which involved individuals posting a selfie with a placard that held a message and the hashtag. Muslims posted selfies with messages that said, “I am an Indian Muslim, I’m human too! You can talk to me. #TalkToAMuslim.” Placards of the Hindu participants typically read, “I’m a Hindu. I talk to Muslims. Guess they are humans too, #TalkToAMuslim.”

The context

The immediate trigger for the campaign was the Bharatiya Janata Party (BJP)’s attack on Congress president Rahul Gandhi, after he

met with a group of intellectuals from the Muslim community. BJP leaders ‘accused’ Mr. Gandhi of turning the Congress into a “Muslim party”.

It is indeed troubling that talking to Muslims – which is all that Mr. Gandhi did – could even be formulated as an accusation. In no sane society can an accusation of this kind, first of all, make any sense as an accusation, and second, gain traction among vast swathes of public opinion. Recent events, however, suggest that India is hurtling away from sanity at great speed. In this context, the #TalkToAMuslim campaign represents nothing more than an attempt – a feeble and not a particularly smart one – to apply the brakes.

The hashtag is, of course, condescending towards Muslims insofar as the framework of the interaction is premised on Muslims making themselves available to help non-Muslims relinquish their bigotry. Majoritarian bigotry is not a problem that could be solved by the minorities. Moreover, by pitching religious identity as the primary reason for talking to a person, the campaign ends up reinforcing precisely what it seeks to counter: the reduction of personhood to religious identity.

Another criticism directed against #TalkToAMuslim is that it



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is elitist, and that it would only help well-heeled Muslims and Hindus to engage in mutually beneficial virtue signalling. They could use this hashtag activism to acquire useful social capital, and then go back to their privileged lives, while poor Muslims would have to carry on as before, acutely conscious of the ever-present danger of the lynch mob and of the state machinery’s impotence before it.

The ‘Othering’ of the Muslim

Nonetheless, it would be a mistake to dismiss the campaign or the arguments put forward by those who participated in it. Their rationale can be summed up as follows: at present, Muslims are being ‘Othered’ – not just in the loose sense of the word, which is often used to signify a people being marginalised, but also in the classical sense of the term ‘Other’.

the Supreme Court, the government did not take any proactive steps in terms of either declaration of drought, improvement in ration delivery, or response to drinking water crisis specified in its own Manual for Drought Management. The Supreme Court had to reprimand the central government.

Choking the MGNREGS

Fifth, the Modi government’s lack of political will in implementing the Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS) has hit the rural poor in general and farm labourers in particular. After making a determined but unsuccessful attempt to dismantle the MGNREGS, the Modi government has choked this programme of adequate and timely funds and reneged on its legal obligation to provide timely wages and compensation for delayed payments.

Sixth, from imposing Minimum Export Price on potatoes in 2014 to importing sugar from Pakistan, this government has followed anti-farmer trade policies. Farm exports were systematically discouraged, leading to a decline in agricultural exports from \$43 billion on 2013-14 to \$33 billion in 2016-17. At the same time, import of lentil, *chana*, wheat, sugar and milk powder was allowed that led to a crash in crop prices.

Seventh, the Modi government’s ill-advised and shockingly implemented policy of demonetisation dealt a severe blow to agricultural markets, especially to fruit and vegetable markets, just when the farmers were recovering from the consecutive droughts. A sudden shrinking of cash led to demand contraction and fall in prices, whose effects are being felt even now.

Eighth, the government’s crude attempt to regulate livestock market by imposing ban on livestock movement and its protection to those guilty of lynching the suspected “cow smugglers” has disrupted livestock economic cycle, leading to loss of income on the one hand and aggravation of the widespread problem of animals destroying crops on the other.

Ninth, for the *adivasi* farmer, this is surely the most insensitive government. In a series of moves, this government has diluted the Forest Rights Act and various other environmental and forest conservation laws substantially in order to help the transfer of common land and water resources from the *adivasis* to industry.

And finally, the Modi government made not one but four attempts to bring an ordinance so as to nullify the historic Land Acquisition Act of 2013 and take away the few concessions that farmers had won after 120 years. Further, the government has effectively bypassed this law in the land acquisitions done by central agencies like the National Highways Authority of India (NHAI) and has also allowed State governments to nullify the provisions benefitting the land-owning farmers.

Notwithstanding its recent attempts at damage control, this government has justly acquired the reputation of being the most anti-farmer government in the history of independent India. Whatever the fate of the no-confidence motion in the Lok Sabha, the Modi government would find it hard to win a vote of confidence brought by the farmers.

Yogendra Yadav is national president, Swaraj India. Avik Saha is the national convener of Jai Kisan Andolan

talk between Muslims and Hindus so that it became difficult to ‘Other’ the Muslim as this demonic entity whose only mission is to be the Hindu’s enemy – on the face of it, a ridiculous notion, but one that seems to work rather well for those polarising the nation along religious lines.

To the extent that this campaign serves to name the pathology – the notion that talking to Muslims is a problem – it has value. Naming the pathology is vital if one wants to stop the pathology from being normalised. Hindus who have never had a meaningful conversation with a Muslim may or may not end up talking to one as a result of this hashtag.

Still, even if nothing comes of it at the material level, the hashtag represents a minor victory in the symbolic realm, for it is important to publicly say it – to say, ‘talk to a Muslim’ – for it is not unimaginable that, in the foreseeable future, it may prove unthinkable to say even this, with or without a hashtag. In that sense, saying #TalkToAMuslim is both the means and the end of the campaign. It is shameful that Indian Muslims should feel compelled to initiate such an ‘outreach’ to the majority community. But the shame of it is not theirs to bear.

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LETTERS TO THE EDITOR

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Loss of trust in NDA

Whether the no-confidence vote on Friday leads to a win or loss for the Opposition, the very fact that such a motion is being allowed, after being refused by Speaker Sumitra Mahajan in the last session, is an assertion of democracy (“Lok Sabha to debate TDP’s no-trust motion tomorrow,” July 19).

Though no one doubts that the government will survive, the vote will offer the Opposition a chance to take it to task over its failures on all fronts. The tall claims made on the economic front cannot obscure the fact that the government has not fulfilled its key promises of job creation and mitigation of farm distress. The government’s fight against black money has turned out to be a complete sham. The scourge of mob lynching

will be a big rod in the hands of the Opposition. The government will win the no-trust vote hands down, but it is bound to be exposed for what it is – a government for corporate tycoons and religious zealots.

G.DAVID MILTON,
Kanyakumari

Contaminated fish

The editorial “A fishy matter,” (July 19) should trigger a healthy debate on the contamination caused to fish due to formaldehyde. The statement by Goa’s Food and Drugs Administration (FDA) that the levels in its samples were on a par with “natural occurring” levels is unacceptable. Even minor traces of formaldehyde have to be investigated. Fish, being rich in Omega 3 fatty acids, forms healthier food than

red meat. Authorities have to take steps to ensure that fish is supplied in an uncontaminated form and public health is protected through measures that favour the consumer, not the trader.

E. SUBBARAYAN,
Gingee, Villupuram

Fish provides us with an inexpensive source of protein. As fish varieties are highly perishable, traders and middle-men find ways to preserve them, including through the use of formaldehyde. India has a coastline of more than 7,500 km and provides employment to more than 14 million people through its fisheries sector. The sector also accounts for more than 1% of the country’s GDP. Hence, any news of contamination has to be taken seriously. The manufacture and sale of

formaldehyde has to be regulated further.

J. RANJIT,
Chennai

Long-term loans

Asking commercial banks to finance long-term projects was not a worthwhile move, as is evidenced by the mounting Non-Performing Assets (“Central govt. destroyed banking sector, says Pinarayi,” July 19). The Reserve Bank of India should enable the formation of a separate bank dealing with long-term loans, so that its Asset Liability Management and also restructuring as well as provisioning norms could be applied meaningfully, instead of asking commercial banks to bend over backwards to fund now and restructure later. The new entity can finance huge infrastructure projects

that have a long gestation period.

R.S. RAGHAVAN,
Bengaluru

Remembering Madiba

Nelson Mandela is often called the ‘Mahatma of our times’. However, there was a lot of difference between the struggles of South Africa and India (“A review of Mandela’s legacy,” July 18). The political choices Mahatma Gandhi and Mandela made were vastly different but appropriate to the need of the times. Mandela, speaking of his admiration for Gandhi,

once said: “But I cannot be like Gandhi. He lived in a different time, and he had different opponents. Our story is different.” However, just like for Gandhi, Mandela’s glory lay in his power to forgive the perpetrators responsible for his bitter past. The hard white rocks of Robben Island, which he was forced to break for years, did not make him weak but only made him more resilient.

NAYANTHARA RAJEEV,
Mananthavady,Wayand

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CORRECTIONS & CLARIFICATIONS: >>A reader was quick to point out this slip-up: The text of a report on Home Minister Rajnath Singh’s statement in the Rajya Sabha, “No one can take away SC/ST rights” (July 19, 2018), had said *ST/ST* instead of *SC/ST*.

It is the policy of The Hindu to correct significant errors as soon as possible. Please specify the edition (place of publication), date and page. The Readers’ Editor’s office can be contacted by Telephone: +91-44-28418297/28576300 (11 a.m. to 5 p.m., Monday to Friday); Fax: +91-44-28552963; E-mail:readerseditor@thehindu.co.in; Mail: Readers’ Editor, The Hindu, Kasturi Buildings, 859 & 860 Anna Salai, Chennai 600 002, India. All communication must carry the full postal address and telephone number. No personal visits. The Terms of Reference for the Readers’ Editor are on www.thehindu.com