



A different tent

The Shanghai Cooperation Organisation is becoming vital to India's Eurasia policy

Terrorism, regional cooperation and the future of Afghanistan were major themes at the Shanghai Cooperation Organisation's Heads of State summit in Bishkek. The grouping, led by Russia and China, which includes Afghanistan and the Central Asian states of Uzbekistan, Kazakhstan, Tajikistan and Kyrgyzstan, inducted India and Pakistan in 2017, and has become an important forum for India's Eurasian neighbourhood. In a world riven by geopolitical contestations, SCO membership provides India a vital counter to some of the other groupings it is a part of, balancing out its stated policy of pursuing "multi-alignments". It is a platform also for alignments on issues such as energy security, connectivity and trade. With India indicating that it sees little use for SAARC, the SCO provides the only multilateral platform for it to deal in close proximity with Pakistan and Afghanistan. While the failure of Prime Minister Narendra Modi and his Pakistani counterpart Imran Khan to hold substantive talks at the summit was marked, the occasion provided a setting for them to exchange what India called the "usual pleasantries" at the least. Beyond the summit, the two countries are committed to engaging at several other levels, including the SCO Regional Anti-Terrorist Structure. Pakistan leads the effort to coordinate between the SCO and the UN Office on Drugs and Crime. In a paragraph on Afghanistan and the SCO-Afghanistan contact group, the Bishkek declaration stressed on an inclusive peace process led by "Afghans themselves". SCO countries committed to strengthening economic cooperation and supporting the World Trade Organisation structure, while building more people-to-people ties, tourism and cultural bonds within the grouping.

It is significant to see that where the group has failed to find consensus, such as on India's opposition to China's Belt and Road Initiative, the declaration has mentioned only the other countries in a paragraph praising the project. On the sidelines, Mr. Modi held bilateral meetings with Chinese President Xi Jinping and Russian President Vladimir Putin. This month, Mr. Modi will meet U.S. President Donald Trump on the sidelines of the G-20 summit in Osaka. While the current India-U.S. trade impasse and plans for Indo-Pacific military cooperation will take centre stage there, it is likely that the U.S.'s specific demands on curbing defence deals with Russia, including on the S-400 anti-missile system, and denying access to Chinese telecom major Huawei for India's 5G network bids will also come up. India's strategy of balancing and straddling the competing interests of these emerging blocs will be tested. But the SCO collective and the bilateral meetings in Bishkek are an important indicator early in the Modi government's second tenure of the foreign policy arc it is attempting.

Missing remedies

West Bengal CM must reach out to doctors, and an upgrade of public health care is vital

An attack on doctors at a medical college hospital in Kolkata over the death of a patient has become the focal point of an agitation by medical professionals that is causing distress to tens of thousands. There can be no argument against the doctors' primary demands – a safe working environment and measures to ensure that unsuccessful treatments do not become a trigger for reprisals. The Indian Medical Association, which seeks to look after doctors' interests and the well-being of the community, has endorsed the demands and called for a strike on June 17. Whatever the provocation, the violence that severely injured a doctor is indefensible, and the guilty must be brought to book. Yet, the remedy cannot lie solely in new legal provisions for offences that are already covered by special laws in some States, and in the Indian Penal Code. On the other hand, there are clear factors that are deepening the social divide. Chief among these are neglect of the public health sector, unaffordable treatments under a predominantly commercialised care delivery system, State governments' reluctance to fill vacancies in public hospitals, and the increasingly high cost of medical education in the private sector. Some of these concerns were underscored in a review of violence against doctors by the *National Medical Journal of India* two years ago.

The effort to end violence against doctors and medical professionals must start with the understanding that doctors and patients do not have an antagonistic relationship, and barriers to care created by systemic deficiencies need to be eliminated. In the Kolkata case, it should be ascertained whether there was a delay in treatment due to manpower shortage, as the patient's kin claim. The police statement indicates that a communication breakdown aggravated the situation. It did not help that Chief Minister Mamata Banerjee took a hard line against the agitating doctors early on, without giving negotiations a fair chance. Considering the consequences of the breakdown for patients in several States where doctors have responded to protest calls, it is essential for Ms. Banerjee to reach out to the medical community and restore normality. The IMA should help arrive at a solution that can address the concerns of both doctors and patients: to institute better systems to counsel patients and remove unreasonable expectations about treatment outcomes. Structural change is needed. The NDA government's National Health Policy, which commits to raising public expenditure on health to 2.5% of GDP, must pay as much attention to scaling up infrastructure and the capabilities of government hospitals, as to providing financial protection for treatment in expensive private hospitals. It is the public hospitals that the poor come to, looking for compassion.

The Gujarat model, nationally

The 2019 outcome is proof that the Gujarat model is scalable at a national level, as long as it has a charismatic champion



VARGHESE K. GEORGE

"Minorities have been made to live in fear by those who believe in vote-bank politics," Prime Minister Narendra Modi told newly elected MPs of the National Democratic Alliance (NDA), among whom members belonging to his Bharatiya Janata Party (BJP) command a clear majority in the 17th Lok Sabha. "We have to end this deception and take everyone along."

During the election campaign, however, on April 6, Mr. Modi had said about Congress president Rahul Gandhi contesting from Kerala's Wayanad constituency: "The Congress dynast... selected a seat where the majority is in minority." He was referring to the demographic projection of Hindus constituting less than half the electorate in Wayanad.

The strategy

Between the two statements lie clues about Mr. Modi's winning strategy. Winners in multiparty contests in a 'first past the post' system often emerge with a plurality of votes, leaving several minorities that could add up to a majority on the opposing side. Electoral strategies tend to focus on assembling a plurality of voters on one's side and preventing the consolidation of opposing voters. Groups based on static identities such as caste, gender and language are individual components that are usually aggregated to form social coalitions, while class, a more porous identity, has increasingly become an impossible instrument of mobilisation. Fresh realignments of the electorate are always possible until you define majority and minority in terms of a static meta-identity of religion, which precludes further negotiations.

The construction of that meta-

identity and potentially a permanent majority is the singular achievement of Hindutva 2.0. Mr. Modi's innovation to Hindu cultural nationalism. The pre-eminence of religion as the defining matrix to identify the minority and the majority is illustrated in the statements above. In secular politics, religious minorities were treated as monoliths, while Hindu identity was subordinate to its various components that were individually minorities. Manmohan Singh, India's first non-Hindu Prime Minister, led a coalition of religious, caste, linguistic and cultural minorities represented through a multitude of parties, from 2004 to 2014. He repeatedly demonstrated that he had the confidence of a majority of the members of the Lok Sabha. But the legitimacy of his authority was constantly questioned, notably by the Hindu nationalists, in an attempt to harvest the notion, which probably existed independently, of a minority-majority rule that harms national interest. The fact that the other prominent faces of that coalition were Sonia Gandhi, a Christian, and Ahmad Patel, a Muslim, fuelled this campaign.

In 1980, the Congress had built a mighty social coalition in Gujarat labelled KHAM – acronym for Kshatriyas, Harijans, Adivasis and Muslims – that commanded 56% of the votes. The KHAM formula eliminated from positions of power three powerful groups – Brahmins, Vaniyas and Patidars. The Congress remained unassailable until 1990, but the relentless Sangh Parivar campaign unravelled this coalition and replaced it with a Hindu identity. Turning KHA against M was the critical tool in this transformation – these caste groups were amalgamated into a hierarchical unity of the Hindus. Mr. Modi layered it with Gujarati pride and dismantled the Patidar dominance in the BJP. The violence against Muslims climaxed in 2002 and what followed was complete exclusion of the community from the mixture of electoral plurality. The 2019 Lok Sabha



G. RAMAKRISHNA

outcome is proof that the Gujarat model – where the BJP got 62% of the vote in the State – is portable and scalable at a national level, as long as it has a charismatic champion.

Mapping the successes

The BJP won 37.4% of the vote and 55% seats nationally this summer. How and where these votes are garnered and how it impacts various social groups will have implications for India's survival and progress as a pluralist democracy. Of the total 84 seats reserved for Scheduled Castes (SCs), the BJP won 54; and of the 47 seats reserved for the Scheduled Tribes (STs), the BJP won 32. It is only partly explained by the BJP's outreach – the sweep of reserved seats by the party is largely due to the endorsement of the party's SC/ST candidates by 'higher castes'. In contrast, the Bahujan Samajwadi Party, an autonomous Dalit party, fared miserably in the SC seats even in Uttar Pradesh. It is clear that other castes are the determining factor in Dalit representation, a concern that weighed in B.R. Ambedkar's mind when he demanded separate electorates for Dalits. While the SC/ST representation of 15% and 7.5%, respectively, is fixed, so-called upper castes are increasing their parliamentary representation in BJP strongholds at the expense of the Other Backward Classes (OBC).

An analysis of caste representation in the Hindi heartland by Christophe Jaffrelot and Gilles Ver-

niers showed that a decade-old trend of the return of the 'upper castes' over-representation and the erosion of OBC representation was reinforced in 2019. The highest representation for the OBCs and Muslims in this region in the period since 1989 was in 2004, when the Congress-led United Progressive Alliance came to power. Besides the geographical core, there is also a pan-Indian social core of 'upper castes' that drives the growth of the BJP. Hindutva, which is increasingly indistinguishable from Indian nationalism, could grow well in Uttar Pradesh, Bihar, Madhya Pradesh, Rajasthan and Chhattisgarh, where sub-nationalism has limited appeal, but Gujarat is an example of sustaining a strong local culture as a subset of the larger pan-Indian religious identity. The success of the BJP in Karnataka, and its inroads in West Bengal and even Kerala are clear indications of the ability of the party to subsume minority cultures.

Issue of delimitation

If another principle of representative democracy, 'one person, one vote', is applied mindlessly, the representative weight of the present geographical core of the BJP could increase at the cost of regional peripheries. There is currently a constitutional freeze on a national delimitation of Lok Sabha constituencies (that is, reassignment of constituencies among States and Union Territories in proportion to their population) till 2026. Since the linguistic minorities have been more successful in stabilising their populations, they stand to lose when representation in Parliament is redistributed across State borders. It is evident that post-delimitation, Andhra Pradesh, Telangana, Tamil Nadu and Kerala will have far fewer MPs as a percentage of the total strength of the Lok Sabha. The seats that these linguistic minorities lose will shift to the Hindi-speaking States, Madhya Pradesh, Rajasthan, Bihar and U.P. All these States overwhelmingly voted for

the BJP in 2014 and 2019. The consequences of such a change have still not been adequately addressed.

The renewed debate on language education in the country only complicates the situation further. Overall, the irony is that by application of the principles of democracy, the representative nature of the democracy is being undermined.

Other than electoral politics where numbers matter, most segments of the Indian polity, such as the judiciary, media, academia and bureaucracy, have always been inadequately representative in nature. The rise of OBC politics since the 1990s increased their representation in bureaucracy and politics, held back the march of Hindutva and also tamed the most unrepresentative of all modern institutions, the market, in the following decades by forcing increased social spending. The social churn in India since the 1990s must therefore be understood not from a Mandal-Mandir binary perspective, but as a triangular dynamic that includes the market as well. Markets do not run by the principle of 'one person one vote', but by voting rights proportional to one's ownership of capital. This market principle has leached substantially into western democracies such as the U.S., where corporations are now counted as 'people' and allowed to spend unlimited money to influence elections. Electoral bonds in India are a step in this direction.

Factoring in the market

A permanent majority unburdened by constant negotiations and the need for representation could subordinate democracy to the market, rather than the other way around – that is, the Gujarat model. Hindutva politics understands the market in national, not global, terms and that could cause tensions between the two, however. But that is a whole different dynamic.

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In the absence of good law

Why the Central government must pass legislation on public procurement



N.L. RAJAH

Recently, the Supreme Court expressed its growing concern over the award of tenders being challenged in writ proceedings almost as a matter of routine. In anguish it added, "It however appears that the window has been opened too wide as almost every small or big tender is now sought to be challenged in writ proceedings almost as a matter of routine."

Absence of legislation

The court's observations fail to appreciate the fact that these challenges, exasperating as they may be to constitutional courts, are the unfortunate effect of inadequacies in our national public procurement laws. Therefore, one is tempted to respond to the court's laments using the words of Portia in Shakespeare's *The Merchant of Venice*: "Tarry a little. There is something else."

The rude fact is that India has

still to enact parliamentary legislation to comprehensively deal with public procurement. Consider this. Procurement by the government accounts for 30% of the GDP; yet notwithstanding such fiscal significance, there is no comprehensive parliamentary legislation till date to regulate such public procurement by the Central government. Instead there is a maze of regulations, guidelines and rules.

In the past, instances of charges of corruption in public procurement have brought down elected governments. It is therefore nobody's case that existing processes are squeaky clean or enviably efficient. Given such a scenario, parliamentary legislation to regulate public procurements which provide adequate means for aggrieved parties to challenge inequities and illegalities in public procurement needs to be put in place. The government is also well aware of this inadequacy. For example, the United Progressive Alliance introduced the Public Procurement Bill in the Lok Sabha in 2012, "to regulate public procurement with the objective of ensuring transparency accountability and probity in the procurement process". The sad fact is that it was



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not passed by Parliament. The National Democratic Alliance, in 2015, revamped the provisions of the earlier Bill to come up with the Public Procurement Bill, 2015; it was a significant improvement to the 2012 Bill. Unfortunately, this Bill too is floundering. The significant point is that both versions had provisions for robust internal machinery for grievance redress arising out of public procurement. Sadly, they never became reality. Against such a background, it is hardly surprising that the award of tenders is being challenged in constitutional courts.

Existing constitutional provisions are themselves no great help in this area. While Article 282 provides for financial autonomy in public spending, there are no further provisions that address any guidance on public procurement principles, policies, procedures or

for grievance redress.

Inadequacies in State law

While this is the position with regard to public procurement by the Central government, laws to regulate State public procurement are not any better in providing effective alternate dispute resolution mechanisms. State public procurement is regulated by a State Act only in five States: Tamil Nadu, Karnataka, Rajasthan, Andhra Pradesh and Assam. The grievance redress mechanisms provided in these Acts are not confidence-inspiring as they are neither independent nor effective. They fall woefully short of the prescriptions set out by the Supreme Court in *Madras Bar Association v. Union of India*, in which the court spelt out the requirements that tribunals must possess to qualify them as being "efficacious alternative remedy" – a phrase so wisely provided in Article 226 by our founding fathers. The emphasis being on the word "efficacious". The Madras High Court, in a judgment, while testing the efficacy of these mechanisms, denounced them as mere "Caesar to Caesar appeals".

Further, getting back to the issue of tenders being challenged, courts have imposed such strin-

gent self-imposed restrictions in the area of judicial review *vis-à-vis* tenders that the power to interfere is very sparingly exercised, if at all. The procuring officer is empowered by judicial principles such as "Government must be allowed a play in the joints". Given such a feeble legal framework which demands so little accountability, the award of tenders can become a happy hunting ground for the unscrupulous.

While such restraints imposed on courts by themselves would be admirable if alternative efficacious remedy is available, they, unfortunately, would only encourage the growth of other negative aspects of public procurement, in the absence of an alternate efficacious remedy to redress grievances. In such a depressing legal scenario, it is no surprise that public procurement tender awards are often challenged in constitutional courts. Till such time as a robust efficacious alternative remedy is provided, one would only appeal to the constitutional courts using the words of the Bard of Avon: "Upon the heat and flame of thy distemper sprinkle cool patience."

N.L. Rajah is Senior Advocate, Madras High Court

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.

Doctors stir

There is no crime more deplorable than an assault on the saviours of human life. A doctor who enters the medical profession taking the Hippocratic Oath will never deliberately harm a patient. Those in the medical profession must be given moral and emotional support. The government must also assure doctors that criminal acts against them will be punishable (Page 1, "Doctors stir: Home Ministry sends advisory to West Bengal", June 16).

Dr. GEORGE VAREEKAL, Burhanpur, Madhya Pradesh

■ While the concerns of the striking medical doctors may be genuine, as no doctor can discharge his or her duties properly when in constant threat of retaliation for acts

done in good faith, a tough political stance too can end up vitiating an already surcharged atmosphere. The government needs to initiate confidence-building measures. At the same time, the NDA government should not view the crisis in West Bengal as an opportunity to enhance its political prospects. Health is not an issue where one can resort to the detestable act of fishing in troubled waters.

V. SUBRAMANIAN, Chennai

GMO concerns

Genetically modified (GM) crops come with their share of concerns. Opponents argue that GM organisms have not been tested extensively to determine the effects and are pushing for GMO food labels. It is surprising how GM brinjal

seedlings were sold in Haryana ("Ground Zero" page, "The mysterious case of GM brinjal cultivation", June 15). Unregulated selling of seeds has serious consequences for India's biodiversity, especially as the country is not adequately equipped to detect GM contamination. Also, the effect of GM crops on pollinator populations remains, surprisingly, poorly understood.

The paradox of India's agricultural policies is that it is still unable to conserve its present food grain, fruit and vegetables output or ensure the welfare of our farming community. Mergers and acquisitions over the last few years have given a few multinational firms a dominant position to control over 60% of global seed sales. The same seed

companies, curiously, appear to sell more than 60% of pesticides too.

H.N. RAMAKRISHNA, Bengaluru

■ While the government may claim that the case is an isolated event, it is important to investigate the nexus behind the supply of seeds. We cannot afford to be fostering a Frankenstein's monster as far as Indian agriculture is concerned. GM crops have probably entered our food chains and the situation is ripe to debate the issue transparently.

RISHAV AGARWAL, Bhubaneswar, Odisha

Water conservation

The depletion of water tables is causing unprecedented rural distress. Rainwater harvesting, conservation, recharge and increasing

green cover need to be prioritised. Farming needs to adopt scientific methods and technological techniques to get optimum yields ("PM writes to village chiefs to save rainwater", June 16).

N. SADHASIVA REDDY, Bengaluru

Go far, go together

It is the fact of being together and mutual camaraderie which gives elderly/senior citizens a lot of confidence and keeps us fully charged. Let me cite an example. A

CORRECTIONS & CLARIFICATIONS:

A story titled "Activists and memes push for women's reservation Bill" (June 15, 2019) erroneously said that Rakesh Sharma was the first Indian to land on the moon. He should have been referred to as the first Indian in space.

The second deck headline in a Business page interview, "Coal will remain the dominant source" (June 15, 2019), read: "We are chasing a 600-million tonne target this fiscal, says Coal India chairman." It should be 660-million tonne.

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