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ONLY SIX RELIGION OPTIONS MAKE IT TO NEXT CENSUS FORM

VIJAITA SINGH
NEW DELHI

Do you consume “packaged or bottled water”? The Census wants to know. This will be one of the new questions in the next Census, which will also introduce “natural calamities” as a new option when asking about the factors responsible for migration of an individual or a family, besides existing options.

Despite demands from several communities to be counted as a separate religion, the next Census will only count Hindu, Muslim, Christian, Buddhist, Sikh and Jain as options. Nature-worshipping Adivasis in Jharkhand, Chattisgarh and Odisha have been campaigning to include their Sarna faith as a separate religion, while Karnataka’s Lingayats have been making a similar demand.

Though respondents can write the name of any other religion, no separate code will be provided.

Census officials had, in fact, designed detailed codes for religion on the basis of data collected during Census 2011. However, they were dropped and only six religion codes were retained in the final schedule. The details are explained in a report titled, “The Treatise on Indian Censuses Since 1981”, which was released by Home Minister Amit Shah on May 22.

Digital Census

The next Census is also set to be the first digital Census, where respondents will have the option to fill in the questionnaire from the comfort of their own home.

The 31 questions for the first phase — Houselisting and Housing Schedule — were notified on January 9, 2020. As many as 28 questions have been finalised for the second phase — the Population Enumeration — but are yet to be notified. The final set of questions for both phases were asked during a pre-test exercise in 2019 in 76 districts in 36 States and Union Territories, covering a population of more than 26 lakh.

A comparison of the questions asked in 2011 and those finalised for the next Census shows that for a section on the mode of travel to place of work, respondents will have to answer new queries on their travel time in hours and minutes, and whether they use metro rail. A question on types and causes of disabilities has been expanded to include “acid attack, intellectual disability, chronic neurological disease and blood disorder”.

The next Census will also record details on whether a person who lives in a rented house owns a house somewhere else or does not own any residential property. On the question of availability of drinking water, it explains that “near the premises” means “within 100 metres in urban areas” and “within

Making it count

Next Census is a mix of newer aspects and older conventions

- Next Census retains six options for religions

- The Census introduces questions on bottled water consumption and migration due to natural calamities

- Next Census will be India’s first digital one, allowing citizens to participate from the comfort of their home

- New queries about travel time and Metro rail usage have been added

- The Census now includes categories such as acid attack, intellectual disability, chronic neurological disease, and blood disorder in the disability section

- A code directory is added to streamline data processing



Detailed codes for Sarnaism, the Lingayat religion, etc. were dropped in the final schedule; form to include questions on source of drinking water

500 metres in rural areas”.

Directory to reduce bias

For the first time, a code directory — containing possible responses and their matching codes for questions involving descriptive and non-numeric entries — has been prepared for the use of enumerators during the second phase of Census 2021. It has codes in respect of Relationship to Head, Mother Tongue and Other Languages Known, Occupation, Nature of Industry, Trade or Service, Birth Place/Place of last residence and Scheduled Caste/Scheduled Tribe (SC/ST) etc. “Data processing of these descriptive responses required human intervention to codify into required data format as per the tabulation plan... It also involved risk to data bias and errors because of diverse judgement of enumerators and the persons codifying the response as well,” the report said.

SC REFUSES TO HEAR PLEA AGAINST OPENING OF PARLIAMENT BY PM



Inside view: The Lok Sabha hall inside the new Parliament complex, set to be inaugurated on Sunday. ANI

THE HINDU BUREAU
NEW DELHI

The Supreme Court on Friday refused to entertain a petition challenging the inauguration of the new Parliament building on Sunday by the Prime Minister, and not the President.

A Vacation Bench of Justices J.K. Maheshwari and P.S. Narasimha said it was not “inclined” to hear the petition filed by advocate C.R. Jaya Sukin. When Mr. Sukin urged the Court to permit him to withdraw the petition, Solicitor General Tushar Mehta said the lawyer may then file it before another court and keep the issue alive. He said the court should record a dismissal of the petition to make it conclusive.

Mr. Sukin’s petition was filed on Thursday amidst a heated debate between the government and Opposition over the inauguration.

The Opposition accused the government of sidelining the President,

thus heaping "insult" on the first citizen and the head of the state. It is reported that 19 Opposition parties have decided to boycott the inauguration ceremony.

"So, what is your interest in filing this petition?" Justice Narasimha asked Mr. Sukin during the hearing. "She is my President. I am a citizen," Mr. Sukin responded. The lawyer referred to Article 79 of the Constitution which stated that there "shall be a Parliament for the Union, which will consist of the President and two Houses to be called respectively the Council of States (Rajya

Sabha) and the House of the People (Lok Sabha)".

"What is the connection between Article 79 and the inauguration function?" Justice Maheshwari asked. "The President is the head of the Parliament. The Prime Minister is only the head of the executive government. It is for the President to inaugurate..." Mr. Sukin said. But the Court said it could not intervene in the issue on the basis of a petition filed under Article 32 of the Constitution.

IMD RETAINS ITS NORMAL OUTLOOK FOR MONSOON

JACOB KOSHY
NEW DELHI

The India Meteorological Department (IMD) has kept its forecast of normal rainfall from June-September this year, unchanged from its prediction in April. At 96% of the Long Period Average (a 50-year mean) of 87 cm, this is at the lowest end of what is considered 'normal'. The chances of an El Nino forming are near certain, and this will likely mean that rainfall levels will be below normal in northwest India, IMD said on Friday.

The key factor influencing the quantum of monsoon rains is the development of an El Nino, a phenomenon of warming in the central Pacific Ocean that is linked to diminished rainfall in western and northwestern India

Since 2019, India has been under the influence of the converse La Nina, which is a cooling in those regions, and therefore linked to substantial monsoon rains. Another ocean-linked phenomenon, called the Indian Ocean Dipole (IOD) is also likely to play out during the monsoon. A positive dipole,

characterised by a warming in the western half of the Indian Ocean relative to the eastern, is expected to compensate for some of the rain sucked out due to El Nino, D.S. Pai of the IMD said. "The link between IOD and good monsoon rains isn't as strong as the link between El Nino and diminished rains," he added.

June rains below normal

IMD officials added that monsoon rains over most parts of India will be between 92% and 104% of the average. Southern India will receive above normal levels of rainfall.

The IMD has forecast that the monsoon will arrive over Kerala on June 4, three days after the usual due date. While onset dates have no link to the quantum of monsoon rainfall, IMD's monsoon models say that June rainfall is likely to be "below normal" (<92% of the average of 16.54 cm). Except in some areas of southern peninsular India, northwest India, north India and pockets of northeast India, rainfall is likely to be "below normal" in June, the agency noted.

A FOUNTAINHEAD OF THE PEOPLE'S HOPES AND ASPIRATIONS

Harivansh is Deputy Chairman of the Rajya Sabha

In its 75th year of Independence, India is set to witness a historic moment with the inauguration of the new Parliament House on May 28. After using a Parliament building that is nearly a century old and symbolised a colonial era, we finally have a new structure in independent India. It reflects the vision and aspirations of a country that has evolved significantly since 1947. Some people may be misled by the idea that this is a new Parliament set up. But the new building will be another extension of the existing Parliament complex to signify the spirit of change and continuity; the journey of our Parliament from what it was yesterday to what it would be in the future. The old building gave direction to independent India, while the new one will witness the making of India as 'Aatmanirbhar Bharat'.

Challenges of Parliament House

The main Parliament House, inaugurated in 1927, consists of the circular-shaped structure which is visible from the outside. Two more floors were added to this building in 1956 to accommodate more staff and other offices. The need for yet more office space led to the construction of the Parliament Annexe in 1975. In 2002, the Parliament Library was added to the complex. For similar reasons, an extension of the Parliament Annexe was constructed in 2016. Despite these new constructions in the Parliament complex to suit administrative needs, the need for modern facilities in the main Parliament House remained unfulfilled.

Apart from the shortage of space inside the Parliament House, there were several other challenges. The existing Parliament House is a majestic structure with a unique architectural style, but it presents a different view from the inside. It had to be retrofitted multiple times, which left little space for further improvements. Swathes of wires are squeezed under covers. The inner ceilings of both the Chambers and the Central Hall were provided with safety nettings to prevent any tiles and plaster from falling down. The multiple wirings for computers, air conditioners and security gadgets gave the complex a highly shabby look. In 2012, the Rajya Sabha proceedings had to be adjourned due to a peculiar stench emanating from AC ducts.

The Presiding Officers of the past have also emphasised the need to find a better solution. In 2012, the Speaker, Meira Kumar, stated that the Parliament building was "weeping," and approved a high-powered committee to look for an alternative complex. In 2015, the Speaker, Sumitra Mahajan, wrote to the Minister for Urban Affairs to have a new Parliament building with modern facilities. All this points to the fact that the new Parliament building should have been constructed at least a decade ago, if not earlier. This issue was taken up on priority under Prime Minister Narendra Modi. A detailed plan to build a start-of-the-art Parliament was set in motion, and its foundation was laid in December 2020. In just two and half years, this building has been made ready for use. After the work began, India went through three waves of COVID-19.

However, the safety of workers was given priority so that construction could continue.

Equipped for the needs of today

The new building is more spacious, energy-efficient, and accessible. It has the most updated technology, which makes it well-equipped for future needs as well. While laying the foundation of the new Parliament building, the Prime Minister emphasised increasing the efficiency of MPs and modernising our work culture. In the new building, we will be able to accommodate various languages with state-of-the-art facilities for simultaneous interpretations as well as better features for audio-visual communication as compared to the existing Parliament. Better gadgets, access to an e-library, and important reports will be easily accessible for members from their seats. This will enhance the capacity of legislators and improve the efficiency of the Secretariats of Parliament.

The building has publicly accessible museum-grade galleries and a Constitution Hall that showcases India's age-old history of democracy. India is not the first country to have constructed a new Parliament building due to paucity of space and to meet the changing needs. A new Parliament House was constructed in 1988 in Australia in front of the old one. The iconic United States Capitol, which was constructed in 1793, has seen several upgrades. The Parliament building of Israel, built in 1966, was upgraded with new wings in 1981 and again in 1999. The Canadian Senate building was closed recently for major renovation and the sittings were conducted in a makeshift arrangement.

The inauguration of a new Parliament building presents an opportunity for us to seriously introspect on our parliamentary conduct to make Parliament more efficient and productive. The trend of increasing disruptions and long periods of deadlock is antithetical to the demand for politics to respond to the complex governance challenges of our time. One hopes that adequate functional space and modern facilities for the members will contribute to reducing friction and enabling serious discussions. In the coming years, as this complex expands, each member will have their own dedicated space for interacting with people from their constituencies.

A modern legislature is required to work in tune with the challenges of time. The country has already paid huge costs — social and economic — due to the absence of laws when needed the most. The world is changing fast and is on the verge of a tectonic shift due to the emergence of machine learning and artificial intelligence. The new Parliament building should remind us to prepare and equip ourselves to face up the new challenges. As a fountainhead of the people's hopes and aspirations, particularly those of the younger generations, it would work as a lighthouse to guide us in our ambitious journey to build 'Ek Bharat, Shrestha Bharat.'

'SOUVENIRS SHOW SCEPTRE WAS GIVEN TO MOUNTBATTEN'

THE HINDU BUREAU
CHENNAI

Special souvenirs published after Independence and the first Republic Day by the Thiruvavaduthurai Adheenam had recorded an account of the math having handed over a Sengol (sceptre) to Lord Mountbatten and later to India's first Prime Minister Jawaharlal Nehru, an Adheenam spokesperson said on Friday.

"The souvenirs were published during the lifetime of the then Adheenam, who attained samadhi in 1952. The copy of these souvenirs are available at the Adheenam," the spokesperson told The Hindu in response to a query.

The spokesperson said it was this version from the souvenirs that was included in Annexure IV of the docket given by the government to journalists recently.

However, this Annexure IV neither mentioned the Adheenam as the source nor the date of publication. The docket also had a text of an address by His Holiness Sri La Sri Ambalavana Desika Paramacharya Swamigal, presented to Nehru.

'Photographs available'

At a press conference in Chennai on Friday, the current Adheenam, Sri La Sri Ambalavana Desika Paramacharya Swamigal, said, "There is photographic evidence for the presentation of the Sengol to Nehru. It is incorrect to say the sceptre was not even given. The picture has been published in English newspapers in 1947." The seer added that enough evidence had been compiled in the form of a booklet and said he was saddened over the incorrect information that was being spread.

"Ambalavana Desigar got the Sengol made by Vummidi Bangaru jewellers in Chennai...it was taken to New Delhi by T.N. Rajarathinam, Kumarasamy Thampuran, Manikka Odhuvar on a flight."

"Thampuran Swamigal gave the Sengol to Mountbatten who returned stating that it should be handed over to Nehru. The Sengol was taken on a procession and presented to Nehru... We are happy that Prime Minister Narendra Modi will keep the Sengol behind the Speaker's chair. We are going to Delhi and will hand over the sceptre to Prime Minister," he added.

"There were no photos with Mountbatten. Only those alive then can confirm the event, and we learn from history," he said.

On whether it signifies transfer of power as claimed, the seer said, "The math has always had a relationship with rulers for a long time. Whenever there is a change in power, the Sengol has been given to the rulers."

There are no official records of the sceptre being presented to Mountbatten.



The sceptre will be installed in the new Parliament. PTI

BHUTAN, CHINA CLAIM PROGRESS IN BOUNDARY EXPERT GROUP TALKS

SUHASINI HAIDAR
NEW DELHI

Bhutan and China said they had made more progress in implementing a "three-step roadmap" towards resolving their boundary dispute after talks in Thimphu. The 12th Expert Group meeting (EGM), that oversees the actual boundary talks was held in the Bhutanese capital just four months after the 11th round of EGM talks were held in Kunming, and stressed on the "importance of increasing the frequency of their meetings".

However, the meeting didn't announce any breakthrough in setting a date for the next round or the 25th round of boundary talks, which have not been held since 2016, and were suspended after the military standoff at Doklam, but said they agreed to hold them "as soon as possible at mutually convenient dates".

Three-Step Roadmap

"The two sides expressed their confidence in the Three-Step Roadmap and reiterated the importance of increasing the frequency of their meetings to make further progress in its implementation. They agreed to hold the next EGM in Beijing at an early date," said the joint statement issued by Bhutanese and Chinese Foreign Ministers after the conclusion of the talks on May 24-25. "The meeting was held in a warm and friendly atmosphere in keeping with the close

ties of friendship and cooperation between Bhutan and China," it said.

While there was a two year gap between the 10th round of the EGM held in April 2021 and the 11th round of the EGM held in January 2023, it is significant that the 12th round has followed within months and could indicate a more rapid development in the talks. The announcement that next venue of the meeting is Beijing may also indicate progress, as the last few rounds have been held in Kunming or Thimphu and not in the Chinese capital.

The Bhutanese delegation, that included Bhutanese Ambassador to India Gen. (Retd) Vetsop Namgyel, was led by Letho Tobdhen Tangbi, Secretary of the International Boundaries, and the Chinese delegation was led by Hong Liang, Director-General of the Department Boundary and Ocean Affairs of the Ministry of Foreign Affairs of China.

According to the joint statement, the two sides "expressed satisfaction" on the progress in implementing the "Three-Step roadmap" they had agreed to in October 2021.

The MEA declined to comment on the statement after the latest round of EGM talks. While India rarely comments on the bilateral talks between Bhutan and China, officials say they are kept abreast of developments.

'SEBI TO EASE PASSIVE FUND RULES SOON'

Push for passives

Markets regulator is set to soon introduce new mutual fund norms that are aimed at easing rules for passive funds

■ Share of ETFs and index funds in industrywide AUM has surged sharply from 6% in 2019

■ As of March 23, 16.5% of the ₹41.6 lakh crore MF assets were in passively run funds

■ New regulations will reduce compliance requirements for these funds



New light-touch regulatory framework aimed at ETFs, index funds, says SEBI's Barua; board member says passives have seen sharp pick-up in AUM, cites transparency, diversification provided by these funds as rationale for the easier norms

SEBI will soon introduce a new light-touch regulatory framework for passively managed mutual funds like exchange traded funds (ETFs) and index funds, which have seen a sharp uptick in assets under management (AUM) in recent years, a member said.

"We are going to introduce new mutual fund regulations which we are calling 'Mutual Fund Lite' regulations for passives [funds]," Securities and Exchange Board of India (SEBI) whole-time member Ananta Barua said on Friday, pointing to the surge in the share of ETFs and index funds in industrywide AUM, from 6% in 2019.

As of March 23, 16.5% of the ₹41.6 lakh crore mutual fund assets were in passively run funds that blindly mimic the composition of stocks in different share market indices like the NSE Nifty 50 and BSE Sensex.

Index funds

While ETF units can be traded even intra-day on the bourses, index funds offer traditional MF units, which can be bought or redeemed at their net asset value that is revised daily.

"We have decided to encourage them because these funds provide transparency, diversification and [at a] lower cost vis-à-vis active funds," Mr. Barua observed at an ASSOCHAM MF summit.

"Their investments are not discretionary, but tied to the nature of the changes in the underlying index," he added.

"The new type of regulations... will reduce compliance requirements, which are required for actively managed funds in different aspects, but can be dispensed with for passive funds," Mr. Barua said.

FED 'PAUSE' IN DOUBT AFTER STRONG U.S. DATA

REUTERS

Federal Reserve policymakers got a dose of unexpectedly strong economic data on Friday that bolstered the case for further monetary policy tightening to bring down persistently high inflation.

Consumer spending surged 0.8% last month from March, the Commerce Department reported. That's good news as far as showing the economy's not on the verge of a recession, but bad news for policymakers looking for a slowdown that could ease pressure on prices.

Inflation by the Fed's preferred gauge actually accelerated to 4.4% from

a year earlier, with core prices — a key measure of underlying pressures — gaining 4.7%, up from the 4.6% pace in March. The Fed targets 2% inflation.

Debt limit progress

Coupled with what appeared to be some progress in Washington on a deal to raise the debt limit and avoid a catastrophic U.S. default, the data throws doubt on whether the Fed will indeed "pause" its rate-hike campaign, as Fed Chair Jerome Powell signalled it might earlier this month.

Traders are now betting the Fed will deliver an 11th straight interest rate hike in June.

MOB AND JUSTICE

Alwar verdict flags need for stern steps to ensure justice in lynching cases

The thin line between culpable homicide and murder under Indian penal law is a subject of endless analysis, but it is not easy to accept this nuanced distinction in a case of mob lynching. A Sessions Court in Alwar district of Rajasthan has sentenced four men to a prison term of seven years for the lynching of a Muslim dairy farmer in July 2018. However, it acquitted Naval Kishore, a Vishwa Hindu Parishad functionary, for want of sufficient evidence. If one recalls the acquittal of all those tried for the 2017 murder of Pehlu Khan, who was also a victim of cow vigilantism, there is a semblance of justice for Rakbar Khan, 31, who was attacked by a mob while transporting two cows along with a friend near Lalawandi village in Alwar. The police had found Rakbar Khan with serious injuries, to which he succumbed later, presumably due to the delay in taking him for medical treatment. If one takes into account the number of attacks, some of them fatal, involving so-called cow protection gangs in various States in recent years, the record of the criminal justice system in successfully prosecuting those involved in such incidents is quite dismal. In this backdrop, the fact that the police in Alwar managed to obtain a conviction is noteworthy. However, that the assailants were found guilty only of culpable homicide not amounting to murder

and wrongful restraint does raise some concern. A conviction for murder would have entailed at least life imprisonment.

Rakbar Khan's family is justly aggrieved both over the acquittal of one suspect, who they believe was the main accused, and the seven-year prison term. The police relied on some telephone conversations between the acquitted VHP leader and the assailants to rope him in as a key suspect. However, the court did not consider this adequate proof. While deciding that the fatal attack did not amount to murder, the trial court has concluded that the assailants neither intended to cause death nor knew that their assault may cause death. The prosecution is likely to take up both the "inadequate" sentence awarded to the four and the acquittal of one on appeal. Organised cow vigilantism poses a major threat to the safety and security of minorities, as well as to the maintenance of the rule of law. Despite the Supreme Court deprecating the bigotry and hate propaganda that underlie such activities, incidents of sectarian violence and vigilantism seem to go on. Both preventive and punitive measures are needed to arrest the trend, and one cannot emphasise enough the need for efficient investigation and prosecution.

A YOUNGER LOT

For nearly two decades, a champion other than Rafael Nadal at Roland-Garros has been as elusive as a shadow at high noon on solar equinox. Ever since he made his debut in 2005, the legendary Spaniard has won the event a record 14 times, losing just three of his 115 matches. The occasional uprisings against his ironclad rule, mainly from Novak Djokovic, were crushed with characteristic menace; Nadal leads the Serb 8-2 on Parisian clay. French Open 2023, however, is set to herald a shift, for Nadal will miss the event for the first time since 2004 because of the hip injury that has kept him out since January. There are signs that a change of guard is in the offing in men's tennis in

general. With Roger Federer retired and Djokovic out of form, the once vice-like hold of the 'Big Three' is at its weakest. Djokovic is a two-time champion and will be motivated to break the tie with Nadal on 22 Majors. But Carlos Alcaraz, the reigning World No.1 and winner of the French Open tune-up events in Barcelona and Madrid, seems primed to occupy centre stage. The 20-year-old has already established his Slam-winning credentials (2022 US Open), and a follow-up act will only embellish his status as the game's chosen one.

Challenging him will be the Scandinavian duo of No.4 Casper Ruud, who lost the 2022 summit clash to Nadal, and No.6 Holger Rune, finalist at both

Monte Carlo and Rome recently. Daniil Medvedev has developed a newfound love for the red dirt following his success in Rome last week, but the Russian No.2 is at best a wild card, alongside Stefanos Tsitsipas, Andrey Rublev, Jannik Sinner, and Alexander Zverev. In contrast — and in a departure from the past — it is the women's field that wears a settled look, with Iga Swiatek, Aryna Sabalenka, and Elena Rybakina forming a dominant troika. They have swept the last four Majors and the Roland-Garros preparatory tournaments in Stuttgart,

Madrid and Rome. If anything, Swiatek is just the first among equals, by virtue of being the World No.1, a two-time winner in Paris and a three-time Major champion. Tunisia's Ons Jabeur, who finished runner-up at Wimbledon and US Open in 2022, is coming back from a calf injury, but her triumphs in Madrid last year and Charleston in early April prove that she is a genuine contender. So is Czech Republic's Barbora Krejčíková, the 2021 singles and doubles champion. All of this suggests there is no clear favourite, but no dark horses either.

SEDITION AND ITS ROOTS IN RUDENESS AS AN OFFENCE

Shahrukh Alam practises law at the Supreme Court of India

On March 30, the Lahore High Court annulled the offence of 'sedition' in the Pakistan Penal code. Embarrassingly, around the same time in India, the police registered a series of complaints in Delhi and in Ahmedabad, and also arrested several people, including owners of the printing presses involved, for posting anti-government (and specifically, anti-Modi) posters across town. The detainees were not accused of 'sedition,' but were booked for criminal conspiracy to cause public mischief and to deface public property. The printing press is alleged to have breached some provision of the Press and Registration of Books Act, 1867.

A rose by any other name

The law that was struck down in Lahore is almost identical to India's Section 124A, which seeks to criminalise words that bring "into hatred or contempt, or excite disaffection" towards the government established by law. In India, too, a challenge is pending before the Supreme Court. The law is in abeyance, although not formally struck down. Yet, the logic of the law of sedition, which demands reverence to established ideas and to those who espouse them, survives. Pakistan has a thriving practice in the use of the law of blasphemy, exercised usually on its poorest citizens. India, which is secular and does not criminalise blasphemy, has a near approximation in the "hurting of sentiments." The state recently arrested actor Chetan Kumar and remanded him to 14 days in judicial custody, before granting him bail and threatening to revoke his overseas citizenship, for his tweet on Hindutva. It would seem that while constitutional courts are examining the validity of the law of sedition, its defining logic has already leaped forward and transplanted itself into several different provisions of law that criminalise speech.

Socially, we have always understood badtameezi (rudeness) not so much in terms of the contents of speech, but rather more in terms of who spoke and to whom. An older person could have been railing at a sullen teenager but the badtameezi occurs only when the teenager answers back. At my old-fashioned school in Patna, answering back was amongst the gravest of sins. This understanding of ill-mannered or offensive speech applies in the same hierarchical way to all manner of social relationships. It's always the security guard at the gated apartments, the domestic worker, or the street vendor who is badtameez. [A book called *Dancing to the Precipice* suggests that the French had recognised this understanding of badtameezi as being contributory to inequality of status. After the French Revolution, the more polite form of 'you', which is *vous* (aap) was proscribed. It became obligatory to use *tu* (tum), since it was believed that it would lead to more fraternity, and consequently to more equality.]

Of course, modernity and capitalism have long been imagined to break such hierarchies. We might imagine that badtameezi in fact flourishes in our commercially driven TV studios. I would argue though that while that may be true in form, it is not true in substance (like much of capitalism's ostensible challenge to social hierarchies). These debates, in fact, reinforce social and political power. The state (through its officials) has appropriated for itself a station quite at the top in the hierarchy of social positions. Thus, the lowest state functionary addresses the citizen in the most commanding voice, as if that were the natural order of things. In edgy encounters between citizen and state authority, who would ever imagine the shoving-commanding post-colonial policeman as disruptive, or describe him as badtameez? Law-and-order issues arise only when the policeman is challenged — when the citizen heckles the policeman, or bangs at

the barricades — but never in the policeman's own arbitrary commands to the citizenry.

In present times, this relationship of power and its attendant courtesies (of normalisation, of endorsement) is more explicitly extended to political power, and to all the ideas that such power supports. The use of law, unless checked by the constitutional courts, often tends to mirror these social-political relations of power. It is increasingly mirroring it now.

The practice of prosecuting speech offences borrows from an understanding that 'offensive or disruptive speech' emanates from those who are either inferior in established social/political hierarchies, or outsiders to the reigning narrative of the time. Consequently, offences are framed mostly against those who challenge political or social power and its attendant narratives. Theoretically, anybody may be prosecuted for defacement of public property, irrespective of the contents of the graffiti. In the event, prosecution usually follows the logic of badtameezi, or sedition, focusing mostly on content.

We have always had a problem of entrenched hierarchical relations, most prominently in the form of caste. Our understanding of violence (and sexual violence) is mediated by this understanding. But for those hierarchies to be now reflected in law, in a way that speech is made prosecutable depending on whom it targets, points to the entangled relationship of law and society. What else would explain the variance in the political and legal perception of certain statements as defamatory, while others form popular political sense and continue unmediated: all terrorists are Muslim; all beneficiaries of reservations lazy. We often see prosecutors vociferously attacking certain speech as grave and damaging to someone's reputation while tolerating other violent speech as innocuous. Of course, the courts do not always endorse the prosecutors' views, and sometimes even call out the power play.

Mutating logic of sedition

The Supreme Court pronounced judgment in the Media One case, which addresses the logic of sedition (and of badtameezi). It struck down the Ministry of Information and Broadcasting's decision to not renew the broadcast licence for the channel on grounds that their programming was 'anti-establishment', and was a threat to national security. The Court said that "the critical views of the channel, Media One, on policies of the government cannot be termed anti-establishment. The use of such a terminology in itself represents an expectation that the press must support the establishment. The action of the Ministry of Information and Broadcasting by denying security clearance to a media channel on the basis of the views with the channel is constitutionally entitled to hold produces a chilling effect on freedom of speech, and in particular on press freedom." And further, that "the restriction on the freedom of the press compels citizens to think along the same tangent. A homogenised view on issues that range from socio-economic policy to political ideologies would pose grave dangers to democracy." The Court specifically decried the cavalier manner in which the state uses 'national security' as a catch phrase to censor speech. "The state is using national security as a tool to deny citizens remedies that are provided under the law. This is not compatible with the rule of law [...] we also hold that national security claims cannot be made out of thin air." The judgment speaks to the mutating, resettling logic of the law of sedition. In that sense, it is even more important than a mere striking down of Section 124A. Only if it is a continued engagement, of course.

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