
THE BOOK REVIEW

Rs 100

VOLUME XLII NUMBER 3 MARCH 2018

Listening To The Song Of Singamma

Shefali Jha

Interpreting 'Doubleness'

Himadri Roy

Bewitchingly Beguiling

Simi Malhotra

Of Urban Planning and Capitalist Transformation

Raphael Susewind

Life-Telling in New Terms

Anne Murphy

A Roadmap For Reforms

Sarthak Bagchi

Efficacy of Quotas

Ashwini Deshpande

Enigma of Voting Patterns

K K Kailash

In Search of Secularization of Civil Society and Alternative Politics

Kamal Nayan Choubey

Panjab: Whetstone Of India's Democracy

Amandeep Sandhu

Editors

Chandra Chari Uma Iyengar
Consultant Editor Adnan Farooqui

Editorial Advisory Board

Romila Thapar
Girish Karnad
Ritu Menon
Chitra Narayanan
T.C.A. Srinivasa Raghavan

SUBSCRIPTION RATES

Single Issue: Rs. 100
Annual Subscription (12 Issues)
Individual: Rs. 1500 / \$75 / £50
Institutional: Rs. 2500 / \$100 / £60
(inclusive of bank charges and postage)

Life Donors: Rs. 10,000 and above

ADVERTISEMENT MANAGER

Geeta Parameswaran
gita.parameswaran@gmail.com

WEBSITE MANAGER

Prasanta Nayak
prasanta.nayak@gmail.com

COMPUTER INPUTS, DESIGN AND LAYOUT

Marianus Kerketta
kerketa.marianus5@gmail.com

Please Address All Mail To:

The Book Review Literary Trust
239, Vasant Enclave
New Delhi 110 057

Telephone:

91-11-26141887 / 41034635
0124- 2355362 / 9810612518

Website:

www.thebookreviewindia.org

email:

chandrachari44@gmail.com
uma.iyengar@gmail.com

Advisory Board Founder Members

K.R. Narayanan
S. Gopal
Nikhil Chakravartty
Raja Ramanna
Meenakshi Mukherjee
K.N. Raj

Contents

Shefali Jha	<i>Death, Beauty, Struggle: Untouchable Women Create the World</i> by Margaret Trawick	4
Mahuya Bandyopadhyay	<i>Honour Unmasked: Gender Violence, Law and Power in Pakistan</i> by Nafisa Shah	5
Simi Malhotra	<i>The Witch: A History of Fear, From Ancient Times to the Present</i> by Ronald Hutton	6
Navneetha Moikkil	<i>Performance and the Political: Power and Pleasure in Contemporary Kerala</i> by Ameet Parameswaran	7
Himadri Roy	<i>The Doubleness of Sexuality: Idioms of Same-Sex Desire in Modern India</i> by Akhil Katyal	9
Raphael Susewind	<i>Accumulation by Segregation: Muslim Localities in Delhi</i> by Ghazala Jamil	10
Anne Murphy	<i>Piro and the Gulabdasis: Gender, Sect and Society in Punjab</i> by Anshu Malhotra	11
Iymon Majid	<i>A Thousand Cups of Tea: Among Tea Lovers in Pakistan and Elsewhere in the Muslim World</i> by Jurgen Wasim Frembgen	13
Sucharita Sengupta	<i>Curried Cultures: Indian Food in the Age of Globalization</i> Edited by Krishnendu Ray & Tulasi Srinivas	14
Sarthak Bagchi	<i>Rethinking Public Institutions in India</i> edited by Pratap Bhanu Mehta, Devesh Kapur and Milan Vaishnav	16
Vikram Raghavan and Prachi Tadsare	<i>Republic of Rhetoric: Free Speech and the Constitution of India</i> by Abhinav Chandrachud	18
Ashwini Deshpande	<i>Social Justice Through Inclusion: The Consequences of Electoral Quotas in India</i> by Francesca R Jensenius	20
K K Kailash	<i>Elite Parties, Poor Voters: How Social Services Win Votes in India</i> by Tariq Thachil	21
Aasim Khan	<i>Contested Knowledge: Science, Media, and Democracy in Kerala</i> by Shiju Sam Varughese	23
Kamal Nayan Choubey	<i>Hindutva Rising: Secular Claims, Communal Realities</i> by Achin Vanaik	24
Akhil Katyal	<i>India Dissents: 3,000 Years of Difference, Doubt and Argument</i> edited and with an Introduction by Ashok Vajpeyi	26
Nilanjan Mukhopadhyay	<i>Godman to Tycoon: The Untold Story of Baba Ramdev</i> by Priyanka Pathak-Narain	27
Amandeep Sandhu	<i>Master Tara Singh in Indian History: Colonialism, Nationalism and the Politics of Sikh Identity</i> by J S Grewal	29
Suhas Bhasme	<i>Ambedkar: The Attendant Details</i> edited by Salim Yusufji	30
Saima Saeed	<i>Twitter and Tear Gas: The Power and Fragility of Networked Protests</i> by Zeynep Tufekci	31
Arindam Banerjee	<i>State and Capital in Independent India: Institutions and Accumulation</i> by Chirashree Das Gupta	33
Maya John	<i>Unmaking the Global Sweatshop: Health and Safety of the Worlds</i> edited by Rebecca Prentice and Geert De Neve	34
Jasbir Jain	<i>Aosenla's Story</i> by Temsula Ao	36
Saba Bashir	<i>The Lucknow Cookbook</i> by Chand Sur and Sunita Kohli	37

The Book Review is a non-political, ideologically non-partisan journal which tries to reflect all shades of intellectual opinions and ideas. The views of the reviewers and authors writing for the journal are their own. All reviews and articles published in *The Book Review* are exclusive to the journal and may not be reprinted without the prior permission of the editors.

A Roadmap For Reforms

Sarthak Bagchi

RETHINKING PUBLIC INSTITUTIONS IN INDIA

Edited by Pratap Bhanu Mehta, Devesh Kapur and Milan Vaishnav
Oxford University Press, New Delhi, 2017, pp. 527, ₹995.00

The recently concluded Assembly elections in Himachal Pradesh had a very interesting moment when a 101 years old voter pushed the button at his polling booth in the remote Kalpa village in Kinnaur district of the State. Shyam Saran Negi, would have been passed on for any aware and conscious senior citizen who believes in exercising his duty of citizenship by voting, had he not been India's first voter. Negi, who cast Independent India's first vote on 23rd October, 1951, has been voting in almost every election ever since including the recently held one. This footnote in the history of Indian democracy is a telling fact as it represents the relative youth of India as a nation. It is fairly impossible to find any other established democracy, which will still have its first voter going out to the polling booth in contemporary times. And despite this relatively young age, India's public institutions have been performing fastidiously for the last seven decades to connect different levels of the State with its citizens like Shyam Saran Negi. The book under review takes an accurate stock of the performances and limitations of these different public institutions in India and is aptly titled *Rethinking Public Institutions in India*. In organizing the scheme of the chapters for this book, the editors, Mehta Kapur and Vaishnav have taken a brave attempt of including a vast array of institutions, each of which is worthy of having a book on its own. The editors tie these public institutions to each other through various themes like internal and external accountability, political interference, personnel failures, legal ambiguity and coordination dilemmas.

Through the chapters in this volume the authors and the editors try to capture the transition of Indian public institutions from 'old order' institutions to 'new order' institutions. The analysis provided is robust, comprehensive and rich in its balance of highlighting both the negative aspects and positive achievements of India's public institutions. The book is highly recommended for scholars and students of public policy, public administration, formal institutions, governmental agencies, administrators and policy practitioners.

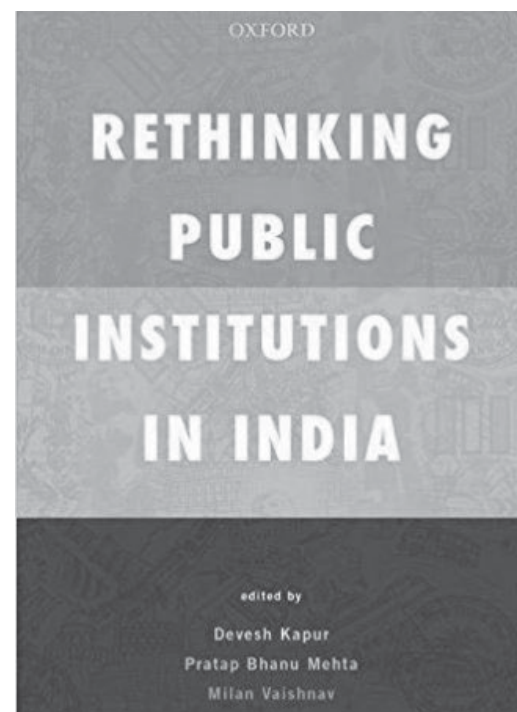
James Manor analyses the model of the 'working president' in his analysis of the

institution of presidency. He argues that—because post-1980 changes inevitably required presidents to intervene more often—people in India must adjust their attitudes to what constitutes appropriate behaviour by presidents. Drawing on rich observations from the past presidents and those who occupied the office in contemporary times, Manor stresses that presidents have not just the option but a responsibility to raise moral and constitutional concerns. Describing the changing role and expectations from the office of president since 1989, Manor prescribes a change in the mindset of the Indian people, who he thinks should be more tolerating and accepting towards presidential activism during the period of government formation.

M R Madhavan analyses the structure, role and effectiveness of the most prolific institution of the Indian Republic, its Parliament. He highlights that many important characteristics like number of women representatives, standard of educational profile of the representatives and the average age of representatives has gone up over the years in the Parliament. However, he also points out that there has been a downward trend in the number of sitting days of the Parliament between the 1950s till 2012. A similar negative trend has also been noticed in the quality of questions raised and answered in the Parliament. This can be linked to the loss of time that has increased in the days when the Parliament is in session.

Like Manor, Madhavan also observes the impact of the rise of coalition politics and the fragmentation of political power to have affected the functioning of Parliament, undermining its critical deliberative role in a functioning democracy. According to the author, the Indian Parliament has much to be proud of as a key institution of the Indian Republic. While the Parliament has provided a channel for negotiating competing interests and holding the country together, there are still ways and methods to make Parliament more responsive to the increasing needs of transparency that dictates the rules of engagement in modern democratic societies.

As a remedy, the author suggests more role of the Opposition in deciding the agenda of discussions and pre-determination of a schedule of sessions every year to make the government more accountable to the



questions from the Opposition. He also suggests more transparency measures to be incorporated into the functioning of various parliamentary committees and to incorporate more research and referral staff for such committees in order to add more teeth to their functioning.

Madhav Khosla and Ananth Padmanabhan analyse the Supreme Court of India, which is found to be playing two crucial roles of that as a legal institute—with appellate and constitutional powers—and that as a public institution that is required to engage with, respond to, and negotiate the political pressures and social expectations that surround it. The Supreme Court, to quote Mehta, is facing a 'judicialization of politics and politicization of the judiciary', making it a fixture in the daily rituals and drama of democratic life. Through their extensive analysis of the various aspects of the Supreme Court, the authors point out that it has been over-burdening itself with a large number of appellate cases which has resulted in a significant backlog on its limited reserve of staff (31 judges). As the Court has begun to spread itself thin over a massive backlog of cases, the role of the constitution bench has also diluted. Separation of appellate and constitutional work, they think, will enable the Court to cement its identity as a strong legal institution. The authors also highlight the exemplary improvements undertaken by the Court by resorting to the use of technology for improving its registry, e-filing of petitions, maintenance of an exhaustive website and online accessibility to daily orders and judgements. All these improvements have made this institution more accessible to the public—even though its geographic location still remains out of reach

for a vast majority of common citizens.

Errol D'Souza looks at the Reserve Bank of India tracing its history both as a banker to the government and to design monetary policy so as to maintain price stability and ensure adequate supply of credit for economic growth. The chapter critically analyses India's top financial institution's role in designing monetary and financial policies, management of public debt and in the management of foreign exchange reserves of the country. In these crucial roles in a developing and yet a giant-sized economy like that of India, the RBI has emerged as a highly credible voice on issues of monetary policy, banking and finance. This is despite the constant tension over the role and influence between the Governor and the Deputy Governor of RBI and the Ministry of Finance, including in the current NDA Government. The author thus recommends the need for independence from political influence and interference as that of primary importance for the continuation of its rich legacy as an exemplar public institution in India. According to the author, as per Keynes's recommendations during the setting up of the RBI, the geographic distance between the RBI, headquartered in Mumbai and the Ministry of Finance, headquartered in Delhi, would be sufficient to keep them at a safe distance. However, given the changing time, and the increasing compliance of the present Governor with the political leadership, this geographic distance is not proving to be enough for maintaining a policy of non-interference.

In his chapter on public expenditure governance, Nirvikar Singh shows that fragmentation in ministerial decision-making process complicated both policy formulation as well as implementation. The overt reliance on ministers is an impediment in consensus building during the decision-making process for important policies. As a solution in this decision-making logjam and to initiative more accountability and effectiveness, Singh recommends a more effective decentralization, as an additional external accountability created by decentralizing power can, boost levels of internal accountability.

Looking at the important new regulatory institutions in infrastructure in crucial sectors of electricity, telecom, petroleum and natural gas and coal, Navroz K Dubash finds that establishing guidelines to enhance accountability and transparency 'may be among the most significant contributions of regulatory agencies to the challenges of infrastructure governance'. Dubash also indicates the prevalent opportunities of dispensing political patronage through

regulatory bodies, where politicians reward compliant officers by handing them prized postings, for taking 'favourable' policy decisions are the biggest hurdles in this pursuit of making public institutions more accountable.

R Sridharan looks at the important institutions of the Comptroller Auditor General (CAG), Central Bureau of Investigation (CBI) and Central Vigilance Commission (CVC) in his analysis of the institutions of internal accountability. His analysis draws heavily from the previous work on these institutions by S K Das in the earlier book on public institutions by Mehta and Kapur, published in 2005. Das found the CAG's impact to be of marginal effect, CVC to be ineffective as an anti-corruption institution and the CBI to be too close to political executive for independent and non-partisan performance. More than 10 years later, Sridharan, by studying the same institutions concludes that those conclusions still hold true. The author shows that if the legislature chooses to ignore reports from the CAG, the latter has very little recourse. Similarly, the CVC is unable to pursue investigations if the implicated officers or bureaucrats have not left an official paper trail of their wrong doing. It has very little investigative powers and depends heavily on CBI, which in turn is still seen as a handmaiden of the government used often by incumbent governments, both overtly and covertly to threaten political opponents.

Focusing on the financial accountability aspect of public institutions, Amitabh Mukhopadhyay provides a detailed analysis of two of the most important institutions involved in securing accountability, CAG, Comptroller Auditor General and PAC, Parliamentary Accounts Committee. In his exhaustive analysis of both these institutions beginning from their historic and constitutional groundings to their contemporary functioning, the author finds these institutions to be lacking in terms of transparency in its operations. While others like the Supreme Court and local governance bodies have significantly increased their outreach by improving their websites into more user-friendly interface, CAG has a long way to go in that direction. Similarly, like Madhavan, who looked at Parliament, Mukhopadhyay too recommends media coverage for PAC sessions and hearings so as to make its operations more transparent. Social Audits, especially those of the MGNREGA have proved to be effective in detecting irregularities, but they appear to have limited deterrent effect due to lack of information on public officials.

K P Krishnan and T V Somanathan look

at the civil services and trace its effectiveness since Independence as well as offer suggestions to make it more effective. They find that the average age of candidates at intake has risen significantly over the years. The authors suggest that the civil service has done well in preserving the overall constitutional order but performed poorly in impartially implementing laws and policies at the individual level. They find the biggest single weakness of the civil service to be the rampant political interference through a combination of wielding a carrot (as plum postings) and a stick (as transfers). In their detailed analysis, the authors also highlight the abysmal record of recruitments in the civil service where just among the IAS officers, there is a vacancy of as high as 29 percent of its entire cadre strength in 2012. They also point to the over-representation of officers from the smaller and better governed States in the central deputation as compared to the officers from bigger States. According to them this impacts the policy preferences being set at the central level. Coupled with the poor quality of State public service commissions and staff associations, this leads to a policy paralysis in poorer States like Uttar Pradesh and Bihar, which have been historically marginalized. The authors also link the productivity and effectiveness of civil services to the successful implementation of important institutions like democratic decentralization and the Right to Information Act, which have become key instruments in taking the government to the population and in making government authorities more transparent and accountable. In this regard, they claim that the importance of an efficient civil services becomes even more vital.

E Sreedharan and Milan Vaishnav analyse one of the most celebrated public institutions, the Election Commission of India. Much like other public institutions, the ECI has also undergone a transformation in its operations, influence and effectiveness in the transition from the Congress era to the coalition politics era, when there were as many as four general elections in a matter of nine years. The authors point out how the democratic deepening in India posed serious challenges to the conduct of elections as the Commission had to protect the democratic rights of the newly mobilized communities, while guarding against clashes rising due to competing social identities. Drawing on one of the common themes attempted by some of the other authors in this volume, the authors of this chapter have also highlighted the importance and influence that one person can come to bear on the entire identity of a

“The volume tries to capture the transition of Indian public institutions from ‘old order’ institutions to ‘new order’ institutions.”

public institution. The period of T N Seshan as the Chief Election Commissioner is still a fond memory for policy practitioners in New Delhi as well as common voters in remote rural Bihar, as someone who impacted the way in which elections were monitored and managed. Although Seshan initiated striding reforms in the operations of the ECI, two of the staggering challenges in the conduct of free and fair elections in India faced by the ECI are the problems of money and muscle in Indian elections. According to the authors, like much of the malaise plaguing other public institutions in India, the solution to these challenges also lies with the political will, in this instance opening up political party funding to the ambit of RTI.

In his chapter on democratic decentralization, T R Raghunadan traces the trajectory of the evolution of the local government system in different Indian States. The author touches upon the decentralization experience in various States like Kerala which empowered and strengthened the village panchayats to Madhya Pradesh which vested power in communitarian sub-committees to escape the stranglehold of entrenched chiefs (sarpanch) to Bihar, which was the first State to reserve 50 per cent of elected panchayat positions for women. The chapter while charting the evolution of various panchayati raj institutions and their role in providing a credible local self-governance structure in the remotest of locations in India, also highlights the various technological innovations that have been incorporated into the functioning of these local governance bodies across Indian States. This chapter provides an ideal reading for scholars and researchers in public policy and public administration.

While the editors have laid out a very coherent and comprehensive thematic mapping of all the various institutions analysed in this exhaustive volume, a conclusion summarizing these manifold observations and a combined roadmap ahead for the growth and effective functioning of these institutions would have been a value addition to such a hard toiled and insightful academic endeavour.

Sarthak Bagchi is a Phd Candidate at the Leiden University Institute for Area Studies, Leiden, The Netherlands.

Freedom of Expression And The Indian Constitution

Vikram Raghavan and Prachi Tadsare

REPUBLIC OF RHETORIC: FREE SPEECH AND THE CONSTITUTION OF INDIA

By Abhinav Chandrachud
Penguin Books, 2017, pp. 304, ₹599.00

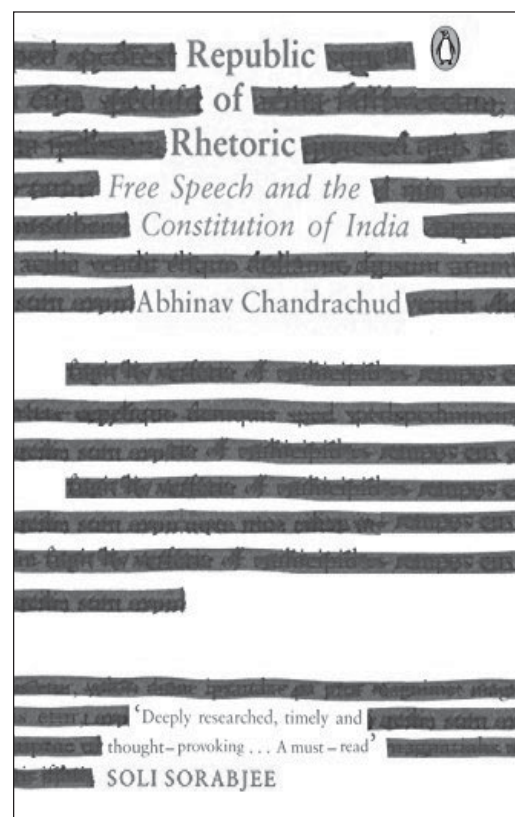
Purulia is a town in Bengal’s western periphery. Under British rule, it was the headquarters of the sprawling Manbhum district. At Independence, the entire district was allocated to Bihar. But its substantial Bengali population actively resisted what they perceived to be Hindi imposition. Demonstrations soon became a daily occurrence as the State administration strove to contain the language agitation.

Amidst this surcharged atmosphere, the authorities in Manbhum seized a lengthy Bengali pamphlet calling for a violent and bloody revolution. The rambling pamphlet darkly hinted that those who brought Bengali ‘into disgrace’ would die. Although its author was not identified, its publication was traced to the Bharati Press in Purulia. Invoking the Press Act, the government ordered Shaila Bala Devi, Bharati Press’s ‘keeper’, to deposit 2000 rupees with Manbhum’s Deputy Commissioner ostensibly to deter such publications in the future.

Moving the Patna High Court, Shaila Bala Devi challenged the government’s order and the relevant provision of the Press Act under which it was issued. She claimed that her freedom of speech protected by Article 19 (1) (a) of the newly enacted Constitution had been infringed. The matter was heard by a three-judge bench that included Justice JG Shearer, an Englishman who remained in Patna after Independence. Shearer wanted to dismiss Devi’s petition. But his two Indian colleagues declared the Press Act provision at issue unconstitutional.

In his judgment, Justice Sarjoo Prasad observed that freedom of speech was so conceivably wide under Article 19 (1) (a) that it could even include verbal or written incitements to murder. This startling observation was a stray remark. It wasn’t the deciding factor in Prasad’s opinion. Even so, as Abhinav Chandrachud tells us in his enticing new book, Prasad’s words were ‘almost single-handedly responsible for the First Amendment’.

A practising lawyer in the Bombay High Court, Chandrachud has produced with astonishing regularity a number of books on Indian constitutional law and history. *Republic of Rhetoric* is the latest addition to his impressive line-up. As a physical object,



the book’s hardbound version is pleasing to behold. It has an eye-catching cover (more on that later) and is set in bold font. A talented writer, Chandrachud does not overload the text. Rather, he anchors his sentences with bountiful and aesthetically precise endnotes. These notes are crammed with rare gems from legal history, reflecting the author’s meticulous research. Few other legal scholars have consulted as much primary and archival material as Chandrachud.

In the book’s opening chapters, Chandrachud recounts how draftsmen like Macaulay framed speech-restrictive laws for India by borrowing heavily, although sometimes sharply diverging, from English jurisprudence. As the national movement gained steam, these laws were used to prosecute political activists for speaking out against colonial rule. Not unsurprisingly, therefore, when the Constituent Assembly convened, many members reflexively supported the inclusion of a fundamental right to free speech. But this exuberance was quickly tempered by Partition’s genocidal mayhem. Deeply disturbed by the communal madness, Alladi Krishnaswami Ayyar insisted that free speech could never be an