



Winning formula

AAP won on its governance record, but its tactics do not undermine the BJP's politics

The spectacular victory of the Aam Aadmi Party (AAP) in the Delhi Assembly election is matched in its intensity by the resounding defeat of the Bharatiya Janata Party (BJP). Having been in power for the last five years, AAP's second consecutive victory is not an electoral enchantment of a start-up, but an endorsement of its track record. Along the way, its founder and Delhi Chief Minister Arvind Kejriwal has perfected a political cocktail that turned out to be the most potent counter to the toxic religious polarisation that the BJP has come to champion. His governance brought succour to Delhi's poorest and the most vulnerable in the form of better and accessible education, health care and water in particular. It is clear that they voted with their feet, and reinvested their faith in the maverick politician. On a strong footing on the administrative front, Mr. Kejriwal deployed his characteristic dexterity to sidestep the BJP's landmines with their aim of communal polarisation. In the process, he narrowed politics to an efficient delivery of public services and either skirted around all contemporary issues of wider import, or tacitly sided with the majoritarian sentiments on them. Devoid of a governance story, the BJP dragged electioneering to a new low to marginally improve from its 2015 tally. To that extent, the Delhi outcome exposes the limits of divisive politics and incentivises sensitive governance.

To read the Delhi result as a setback to Hindutva politics and a celebration of good governance emptied of all politics, however, will be a misleading exaggeration. True, Delhi is the latest in a series of blows against the BJP since its 2019 parliamentary victory, but it must be flattered by the manner in which its strongest opponent did not directly take it on. AAP did not contest the BJP on questions it framed. AAP's success has not been in defeating the politics of the BJP, but in skirting it altogether. Nevertheless, the lesson that the BJP is likely to learn from Delhi is that hyperventilating on nationalist causes is not a sufficient condition for victory, particularly in State elections, and governance does count. Repeated electoral upsets might spur some voices of dissent in the BJP, hitherto muffled. Prime Minister Narendra Modi and Home Minister Amit Shah may have to rework their political idiom in order to hold sway. They might even borrow from the AAP playbook, but it will be the non-BJP parties including the Congress that drew a blank for the second time in Delhi, that will be dissecting the results for clues to a winnable non-BJP plank. But it would be a mistake to conclude that taking on majoritarianism by the horns is a poor strategy. The lesson is that any effective opposition to the BJP will have to develop an alternative politics that centrestages people's everyday concerns, and their hopes and expectations about life and livelihood.

First call

India and Sri Lanka share close ties, but distrust and differences remain

By making New Delhi their first stop abroad, Sri Lanka's new President Gotabaya Rajapaksa, who visited in November, and Prime Minister Mahinda Rajapaksa, after a five-day tour, have signalled hope of beginning a new India-Sri Lanka chapter. Contrary to their last stint which ended in 2015, when Mahinda Rajapaksa was President, and his younger brother Gotabaya was Defence Secretary, and ties underwent a strain for several reasons, New Delhi too has indicated that it would like to make a fresh start, working on development projects, including a joint India-Japan proposal for the East Container Terminal at Colombo. Mahinda Rajapaksa has also discussed extending the \$400-million Line of Credit and India's further assistance for nationwide housing. Air connectivity to Sri Lanka's north and east is already being improved – there is a flight from India to Jaffna, and another one being proposed for Batticaloa. On security, Mr. Rajapaksa and Prime Minister Narendra Modi discussed intelligence sharing, training and the utilisation of a special \$50-million Line of Credit extended by India after last year's Easter Sunday bombings. India, Sri Lanka and the Maldives are expected to revive their trilateral on security, including joint maritime security talks and anti-terror cooperation. Finally, Mr. Rajapaksa reaffirmed his belief that among Sri Lanka's friendships, India is seen as a "relative", given their history and culture.

The bonhomie is palpable, but the faultlines were also visible. Prime Minister Modi said India hopes that the "expectations of the Tamil people for equality, justice, peace, and respect" would be realised and that devolution of powers according to the 13th amendment would be taken forward. Mr. Rajapaksa has given no commitment on this and said, in an interview to *The Hindu*, that he favoured the 13A but not solutions that were "unacceptable to the majority (Sinhala) community". India's case for the special status for the North and East also comes across as contrary to the Modi government's strong stand about removal of the special status for Jammu and Kashmir. Mr. Rajapaksa has ruled out taking forward the MoU signed by his predecessor Ranil Wickremesinghe allowing Indian participation in energy and infrastructure projects in Trincomalee; an Indian stake in "Mattala airport" is not on the cards either. However, of note is his appeal for India to help Sri Lanka deal with its debt crisis – nearly \$60-billion outstanding in foreign and domestic, and about \$5-billion a year in repayments. New Delhi must consider his request for a three-year moratorium and be upfront about its response, in contrast to the past when New Delhi did not take up an offer to develop Hambantota port, and ceded space to China. Ignoring or rebuffing the new request could damage bilateral ties far more.

The other Delhi is distant yet

The Delhi elections have only underlined the vast gulf between the national power centre and the regional State



SATISH DESHPANDE

Being both the symbolic space that holds the reins of power over the nation-state and a geographical place that hosts millions of everyday lives, Delhi is politically split. Local elections in Delhi are neither simply provincial nor straightforwardly national. The Sufi saint Nizamuddin Auliya's famous words, "Hunooz Dilli door ast" (Delhi is distant yet), apply to the city itself. Though they co-exist in the same city, the different avatars of Delhi can be quite far from each other. The elections to the Delhi State Assembly have underlined as never before the vast gulf between the national power centre and the regional State.

Study in contrasts

The Bharatiya Janata Party (BJP) contested the Delhi election as though it was an extension of the 2019 Lok Sabha campaign. The Aam Aadmi Party (AAP) fought the election as though it was about municipal matters such as water and electricity and nothing else. The Indian National Congress (INC) pretended that it was not pretending to fight the election. These contrasting styles of campaigning point to the larger challenges facing not just our polity but the very idea of India today. But before looking at the reasons why this is so, a quick look at the result.

AAP won 62 of 70 Assembly seats, with the BJP bagging 8,

while the INC experienced an even more emphatic whitewash than in 2015. But do these results support the swift and sure conclusions that are already being drawn by the pundits? Has achieving a second landslide win truly vindicated the AAP strategy of presenting itself as a non-ideological management consultancy that refuses to engage with the burning political issues of the day?

Does a second successive defeat in its Lok Sabha stronghold – where it won all seven seats in the past two general elections – mean that the BJP's politics of hate has finally failed? And does a repeat rout in a State that it ruled for 15 years imply that the INC must now be issued a political death certificate? Though the details will become clear only later, it does look like the immediate answer to each of these questions must be a qualified no.

Even before the results were declared, it was clear that this was an election where the manner in which BJP conducted its campaign was more important – almost – than the outcome. It is hard to come up with another State election where electioneering has been so full of shrill, hate-filled aggression designed to incite violence.

In fact, the BJP tried its hardest to make this election into an anti-minority vendetta centred on the protests at Shaheen Bagh. Its formidable media resources were deployed to paint all opposition to the Citizenship (Amendment) Act, 2019, or CAA, 2019, and the National Register of Citizens (NRC) as anti-national, terrorist-inspired, and based on paid protesters. The public language of politics was made to plumb new depths as se-



nior leaders repeatedly said and did things that violated every norm of basic decency. The eventual outcome of this contest seemed to pale into insignificance in the face of the new norms of political engagement that were being enforced.

But the defeat of the BJP in Delhi does not necessarily mean that these tactics have backfired, or even that they have failed. It only means that they did not succeed in this place at this time. The big bonus for the BJP is that its strongest opponent did not oppose these tactics. In fact, AAP often seemed as if it was playing a different kind of dog whistle politics that was saying, in effect, "Don't worry, we have no problem with communal politics, but please don't ask us to say it openly."

Now that it has won big, this policy of non-engagement is being presented as an astute strategy. But its short-term electoral gains need to be compared to its medium-term political costs. The BJP has been so successful in redrawing the terms of political discourse that not only AAP but most other political parties have been forced to take a few steps in the same di-

Celebration of a pivotal achievement

In trying to set the Delhi poll discourse to be based on its record, AAP provided the Delhi voter a clear choice



SRINIVASAN RAMANI

One of the more difficult things to do in any election since 2014 is to foreground electoral issues related to what they are supposed to be actually about – the ability of the contending party to govern effectively. It has been relatively less cumbersome for opposing parties to make a mark in States where the Bharatiya Janata Party (BJP) has to stand on its record, but far more difficult for parties that are already in power to retain them. Only the Biju Janata Dal in Odisha, the Trinamool Congress (TMC) in West Bengal and the Telangana Rashtra Samiti and All India Anna Dravida Munnetra Kazhagam (in States where the BJP is weak) have managed to retain power and even these parties, barring the TMC, had shied away from taking a strong oppositional position to the BJP.

Poll strategies

The Aam Aadmi Party (AAP), which has been a bugbear of the BJP, not only retained power winning 62 of the 70 seats in the Delhi Assembly election, but also man-

aged to nearly emulate its strong performance in 2015 when it won 67 seats. This is a credit not only to its governance record but also its ability to turn the election into a referendum on its tenure. The BJP's strongest point in recent elections has been to set the terrain of political discourse in the run-up to the polls and force its opponent to contest on those grounds. Aiding this strategy has been the BJP's machine that provides it an organisational superiority which is buttressed by financial power unmatched by other parties.

The run-up to the Delhi election featured a no-holds barred campaign by the BJP that sought to foreground the cultural jingoist narrative of the Citizenship (Amendment) Act (CAA), the dilution of Article 370, and the demonisation of the protests against the CAA and the National Register of Citizens embodied in the Shaheen Bagh sit-in. The campaign strategy was based on a calculus that had worked before. The BJP had, only in May 2019, managed to win 56.6% of the votes in Delhi, harping on the government's decisive action following the Pulwama terror attacks. In recent Assembly elections, the deft use of Backward Class politics had been combined with the virulent use of the "Hindutva" card and this had more often than not, worked in the BJP's



favour. AAP, on the other hand, had tried to position itself as a party that was evasive or malleable with respect to ideology. Delhi Chief Minister and AAP founder Arvind Kejriwal has indeed articulated the importance of taking on the politics of hatred and communal differentiation, but his party's emphasis has largely been on his government's record on delivering basic services to an urban electorate without recourse to identitarian biases. While doing so, AAP did not seek to actively engage with the BJP's focal issues such as the CAA/NRC and the nature of the protests against this amendment. Meanwhile the desperate and reactive attempt by the BJP to resort to calumny against AAP's leadership only backfired.

In trying to set the discourse during the elections to be based on its governance record, AAP provided the Delhi voter a clear choice – would they endorse the steps taken by the regime or would they judge it in terms set by the BJP and its communal discourse? This

rection to polish their majoritarian credentials.

Regional versus national

The consequences of this play-it-electorally-safe strategy are visible in the impasses of a polity split between the regional and national levels. A party with local roots strong enough to sweep two Assembly elections could not even get to second place in the parliamentary elections – AAP placed third in the Lok Sabha polls, behind the INC. On the other hand, despite having lost several State elections, the BJP continues to have an iron grip on the national polity and enjoys an unchallenged monopoly over agenda-setting at this level. In the past, our psephologist pundits nodded wisely at this emerging split in our electoral system and told us that it showed the shrewdness of the Indian voter who was pursuing different priorities at the two levels. Today, when all our institutions are being undermined and a pervasive climate of impunity for bigotry is being established, this interpretation seems not just unhelpful but dangerous in its complacency.

The irony is that the last two months have witnessed the emergence of a remarkable political effervescence that defies all the usual frameworks of definition. It cannot be called a movement for that word suggests something coordinated and planned. Nor are its objectives classifiable in the usual terms. Having crystallised around opposition to the CAA and NRC, this new energy and socially-rooted resolve is visible not only in named places such as Shaheen Bagh but also in numerous unfamiliar locations in campuses, neighbourhoods, towns and cities

was a pivotal achievement by the AAP and sets the party's victory as one achieved in much more difficult circumstances compared to its triumph in 2015 or its strong foray into electoral politics in 2013, graduating from a civil society led movement against corruption.

Party trump cards

In 2015, AAP had managed to sway the Delhi electorate and build a multi-class coalitional support base – of the urban poor and the middle class with its promises of delivering on a corruption and patronage free governance that would reduce costs of basic services such as water supply and electricity.

In 2020, it managed to retain the support of this coalition through actual delivery, by devoting a significant portion of its budget allocations to education, health, water supply and sanitation. The government's emphasis in bringing particular greater equity in primary education through the ramping up of infrastructure and better learning outcomes in government schools, bringing basic primary health care to colonies where the urban poor lived in the form of "mohalla clinics" and measures for affordable and safe public transport paid great dividends. This can indeed be a model for other urban centres in the country, provided the administra-

tion in these cities are empowered to allocate resources that would address glaring needs for the cities.

Congress's options

This remarkable moment is also one which ought to encourage the INC to take more risks, since it is now a party with little left to lose. Its tale is perhaps without precedent in modern world history – a party which could effortlessly command a 25% voteshare in the world's largest electorate, is now on the verge of political irrelevance. If it is able to draw energy from this moment to remake itself, it may reclaim its rightful place in our polity.

If they want to remain relevant in the India of tomorrow, all the non-BJP parties have to remind themselves that politics has to be about more than winning the next election, however important that may be as an immediate goal. Formulas that win elections may not ensure long-term relevance. After all, fascists can also make trains run on time and provide regular supplies of water and power. So, as we celebrate the well-deserved victory of the AAP, we must remind ourselves that the other Delhi is still far away.

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LETTERS TO THE EDITOR

Letters emailed to letters@thehindu.co.in must carry the full postal address and the full name or the name with initials.

The Delhi result

Has the Indian voter attained maturity? I am confident that this is happening if one is to go by recent trends in State elections. It was only recently that the ruling party at the Centre consolidated its position with a massive majority. But the opposite seems to be happening with the State polls: the voter appears to be closing the door on the ruling party. Is there a realisation that the top leadership of the ruling party is only full of rhetoric and there is no co-ordination between what they say and what happens? The peace and tranquillity of the country have been disturbed by whimsical policies. It would not be an exaggeration to say that there is confusion and an air of uncertainty. There does not seem to be any visible effects of developmental programmes. Following the Delhi result, the Central

government should stop its strategy of igniting passions. The Indian National Congress should pull up its socks and work with zeal and enthusiasm to inform the electorate that it is the only alternative that can take the BJP head on.

ANANDA RAO MUKKALA,
Vijayawada, Andhra Pradesh

■ AAP's refreshing approach to campaigning – purely based on civics, completely bereft of anything to do with identity, religion or caste – is unheard of in modern India, even in Kerala, a State considered progressive. Indeed, the AAP's biggest unsaid contribution could just be restoring faith in politics, a profession often associated with gangsters and sycophancy. Another most fascinating aspect of the victory shown is simmering anger and a palpable distancing of the younger generation from the BJP's medieval outlook. The party's greed for power is now so unbridled and its ambition so audacious that it

deliberately invoked the most dangerous mantras to befuddle people and create hatred where none existed, at least not in any significant form. Delhi is not just another State or city. It is the heart of the country. Let us hope that the men who matter in this country will hear the heartbeats.

JAYVADI LAKSHMANA RAO,
Visakhapatnam

■ Democracy is still alive. Delhi is a miniature India with diverse cultural and cosmopolitan groups drawn from all States of India. The rejection of the BJP's electioneering gives those who are genuinely interested in the nation's welfare hope. Social and religious tolerance has become a practical necessity. The Delhi election results have also established emphatically the long cherished ideas of cultural pluralism in which a wide variety of cultural forms and religions coexist.

G. STANLEY JEVASINGH,
Nagercoil, Tamil Nadu

■ The people of Delhi have given a befitting reply to the divisive politics employed by the ruling party at the Centre. Will the leadership now understand that the politics of hate and religion does not cut ice especially in an environment of unemployment and economic doom? Delhi shows that elections can still be fought and won on the agenda of development despite many provocations. This should also serve as a benchmark for future election campaigns and show the mirror to parties that indulge in hate mongering. The next test is Bihar.

MAQSOOD HAIDER,
Noida

■ AAP may have much to be happy about but what cannot be lost sight of is that it has lost seats; the BJP has improved its tally which shows that its national policies have still been welcomed by the electorate. The Congress has come a cropper and has been almost

written off as a political party. The absence of a promising leader, the absence of constructive and positive work and the inability to reconstruct the party as there are no grass-root level workers are all evident.

V. LAKSHMANAN,
Tirupur, Tamil Nadu

Leader denigration

It is unfortunate that leaders make such unsavoury comments about people who fought for the freedom of the country (OpEd page, "The calumny against Gandhi", February 11) After critiquing Nehru, it now seems to be the tragic fate of the Father of the Nation to suffer such taunts. The freedom struggle was neither an "adjustment" nor a favour done by the colonial masters to India. Millions of freedom fighters did not suffer imprisonment, loss of family life, death, bullets or lathicharges in vain for such appalling comments. Mahatma Gandhi was one of the tallest world leaders and he does not need

any endorsement, good or bad. Insulting national leaders should be made punishable in law.

H.N. RAMAKRISHNA,
Bengaluru

Asia and the Oscars

It is heartwarming that South Korea's *Parasite*, became the first foreign film to win the best picture and international feature category in the Oscars ('Life' page, February 11). It is a recognition to Asian films also, which lay more emphasis on familial bonds. The changing trend of Hollywood to include more actors from other countries and then award an Oscar is proof that the world is truly becoming a village. Indian film-makers should understand that though cinema is a mass entertainer, quality is important. Our audience too has matured. We also have a rich culture and fine actors.

T. ANAND RAJ,
Chennai

The Delhi model of education

The AAP government believes that quality education is a necessity, not a luxury



SHAILENDRA SHARMA

Mahatma Gandhi secured the participation of thousands of households in the freedom struggle when he launched the civil disobedience movement. For every household today, rich or poor, education has the same relevance as salt did in 1930. This is seen in the resounding verdict given by the Delhi electorate in the Assembly election to the Aam Aadmi Party (AAP), which built its governance model around education.

In the last five years, the Delhi model of education has caught the attention of people in Delhi and beyond. For too long, there have been two kinds of education models in the country: one for the classes and another for the masses. The AAP government in Delhi sought to bridge this gap. Its approach stems from the belief that quality education is a necessity, not a luxury. Hence, it built a model which essentially has five major components and is supported by nearly 25% of the State Budget. The validation of this model now creates a pathway for the next set of reforms.

Key components of the model

The first component of the education model is the transformation of school infrastructure. Dilapidated school buildings that lack basic facilities not only indicate the apathy of the government, but also significantly lower the motivation of teachers and the enthusiasm of students. The AAP government sought to change this by building new, aesthetically designed classrooms equipped with furniture, smart boards, staff rooms, auditoriums, laboratories, libraries, sports facilities and so on.

The second component is the training of teachers and principals. Apart from the fact that a forum was created to encourage peer learning among them, several opportunities were given to teachers for their professional growth. They visited Cambridge University; the National Institute of Education, Singapore; IIM Ahmedabad; and other models of excellence in India. The exposure to new pedagogy and leadership training enabled Delhi to gra-



RAJESH SHARMA

dually move away from a uniform training model for all to learning from the best practices in India and abroad.

The third component involved engaging with the community by reconstituting school management committees (SMC). The annual budget of each SMC is ₹57 lakh. The SMCs can spend this money on any material or activity, such as even hiring teachers on a short-term basis. Regular dialogue between teachers and parents was initiated through mega parent-teacher meetings. Guidelines are provided on how to engage with parents. Invitations for meetings are sent through FM radio, newspaper advertisements, etc.

Four, there have been major curricular reforms in teaching learning. In 2016, the AAP government noted that there was a nearly 50% failure rate in Class 9 and admitted that the poor foundational skills of children could be the reason for it. Special initiatives to ensure that all children learn to read, write and do basic mathematics was launched and made part of regular teaching learning activities in schools. Similarly, a 'happiness curriculum' was introduced for all children between nursery and Class 8 for their emotional well-being. Further, an 'entrepreneurship mindset curriculum' was introduced to develop the problem-solving and critical thinking abilities of children in Classes 9 to 12. Apart from these new curricular initiatives, the focus on existing subjects too ensured better performance in Board examinations by Classes 10 and 12.

Fifth, there was no fee increase in private schools. While the first four components impacted nearly 34% of children in Delhi's government schools, arbitrary fee hikes earlier impacted about 40% children who go to private schools. In the past, almost all the

schools increased their fee 8-15% annually. The AAP government not only ensured the refund of about ₹32 crore to parents which was excessively charged by private schools, it also ensured that any fee hike proposal was examined by authorised chartered accountants. Thus, for two years no school was allowed to raise its fee.

Agenda 2.0

In the words of Manish Sisodia, the leader of the Delhi education model, "having built the foundation of education", the focus now will shift to "education as foundation". Going forward, there will be three key areas of reform apart from consolidating the gains of the past. First, the syllabus of Classes 1 to 8 will be reviewed to emphasise foundational learning skills, the 'happiness curriculum' and the 'deshbhakti' curriculum. Thus, apart from ensuring that all children can fluently read, write and do mathematics, the focus will be to build emotional resilience in children and ensure that they internalise our core constitutional values by the time they complete eight years of schooling. Apart from that, early childhood care and education will be deepened further through Anganwadis. There will also be nurseries in all government schools.

Second, a Delhi Education Board will be set up to promote learning that encourages critical thinking, problem solving and application of knowledge among children. This will prepare them to tackle the challenges of the 21st century with an entrepreneurial mindset. Additionally, for those who have graduated from Delhi schools in the recent past, programmes like spoken English, soft skills and so on will be initiated to raise their employability opportunities.

Third, specialised schools will be created in each of the 29 zones of Delhi to nurture the aptitude and talent of children in the areas of science and technology, literature and language, visual and performing arts, and sports.

Now that Delhi has decisively acknowledged education as a top agenda of governance, the natural expectation from the government would be to ensure that all children get education that passes the test of quality, opportunity and equity.

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Six years on, Lokpal is a non-starter

The necessary rules, regulations and machinery are still not in place



ANJALI BHARDWAJ & AMRITA JOHRI

The massive public campaign in 2011 demanding an independent anti-corruption ombudsman resulted in the passage of the Lokpal law. The political dividend of the agitation was reaped at the national level by the BJP, which vociferously supported the demand for an effective Lokpal and rode to power in 2014 on the plank of anti-corruption.

More than six years after the Lokpal law received the President's assent, the institution of the Lokpal is yet to play any significant role in tackling corruption in the country. The manner in which the Lokpal has been emasculated by the current regime closely mirrors the undermining of other institutions of oversight and accountability.

The preamble statement of 'The Lokpal and Lokayuktas Act, 2013' notes that the law has been enacted to ensure prompt and fair investigation and prosecution in cases of corruption against public servants. The Lokpal was envisioned to be independent. It was accorded a high stature and given extensive powers including the power to inquire, investigate and prosecute acts of corruption.

Delay in appointments

For more than five years, the chairperson and members of the Lokpal were not appointed. The government claimed that since no one could be recognised as the Leader of the Opposition (LoP) after the 2014 general election, the committee responsible for selecting members of the Lokpal could not be constituted. This malady could have been easily remedied by either recognising the leader of the single largest party in Opposition in the Lok Sabha as the LoP, or by amending the Lokpal law to allow the leader of the largest Opposition party to be a member of the committee in the absence of a recognised LoP (this was done for the selection committee of the CBI Director). However, neither recourse was taken.

The chairperson and members of the Lokpal were appointed only in March 2019 after a contempt petition was filed



SPECIAL ARRANGEMENT

in the Supreme Court following the failure of the government to comply with the 2017 ruling of the court to initiate the process of making appointments.

A truncated selection committee, without the LoP, was set up. The Prime Minister, Speaker, and the then Chief Justice of India appointed Mukul Rohatgi, who had earlier served as Attorney General of India during the BJP regime, as the eminent jurist on the selection panel. The leader of the largest Opposition party in the Lok Sabha was invited for meetings of the selection committee as a 'special invitee', which he declined on grounds that it was mere tokenism.

The four-member selection committee, having a preponderance of representatives of the ruling party with an inherent bias towards recommending candidates favoured by the government, selected the Chair and members of the Lokpal. The manner in which the appointments were made raised doubts about the independence of the Lokpal even before it became operational.

Despite the fracas over appointments, many had hoped that once constituted, the Lokpal would nevertheless be a significant oversight body to check corruption and the arbitrary use of power by the government. More than 10 months later, however, evidence suggests that the Lokpal is a non-starter. Till date, the government has not made rules prescribing the form for filing complaints to the Lokpal. The Central government has also failed to formulate rules regarding asset disclosure by public servants.

In order to ensure independent and credible action on allegations of corruption, the Lokpal was empowered under the law to set up its own inquiry wing headed by a Director of Inquiry and its own prosecution wing headed

A new approach on investment

For India and the U.S., this will be critical to sustain momentum coming out of a first trade deal

MARK LINSOTT

When Prime Minister Narendra Modi welcomes U.S. President Donald Trump to India this month, the most memorable images may well extend beyond bear-hugging and a 'Howdy Trump' rally. The two leaders are expected to sign a first-ever trade agreement. On substance, the agreement will not be a big one but that is beside the point. A U.S.-India trade deal will have historic significance, especially if it ushers in a period of strong collaboration to advance a shared bilateral trade agenda and effectively resolves troubles as they arise.

The restoration of India's Generalised System of Preferences benefits, pricing of medical devices, and agriculture trade are all important, but they are just the tip of the iceberg. If the two sides continue efforts to achieve incremental outcomes, the start of negotiations on a comprehensive free trade agreement (FTA) could even be a credible scenario. Presently, this is not the case.

Incremental outcomes

What might initial incremental outcomes be? The most obvious candidates are intellectual property rights (IPR), digital trade, and investment. Ideally there should be room to seriously consider better ways to encourage skilled professionals to work in the other's economy.

None of these areas will be easy. That said, there are already some shared interests. For example, India invests in the U.S. and continues to seek U.S. investment in India. Both are grappling with the appropriate scope and approach for regulating electronic commerce issues in this digital age. IPR has historically been an area of contention between the two, but discussions on IPR have progressed well in recent years.

With respect to investment issues, specifically foreign direct investment (FDI), this is an important moment to do more to encourage it than simply welcoming it. Ideally, the two sides should move ahead to negotiate an agreement on investment matters that can provide greater transparency, predictability, and regulatory certainty to investors from the other country. But it appears that the traditional approach through which countries pursue commitments on FDI,

bilateral investment treaties, or 'BITS' (bilateral investment treaties) is off the table. The Trump administration has put a hold on negotiating additional BITS and appears to be suspicious of how well they balance U.S. interests. The Indian government is similarly sceptical of BITS, having cancelled all existing ones soon after it came into office.

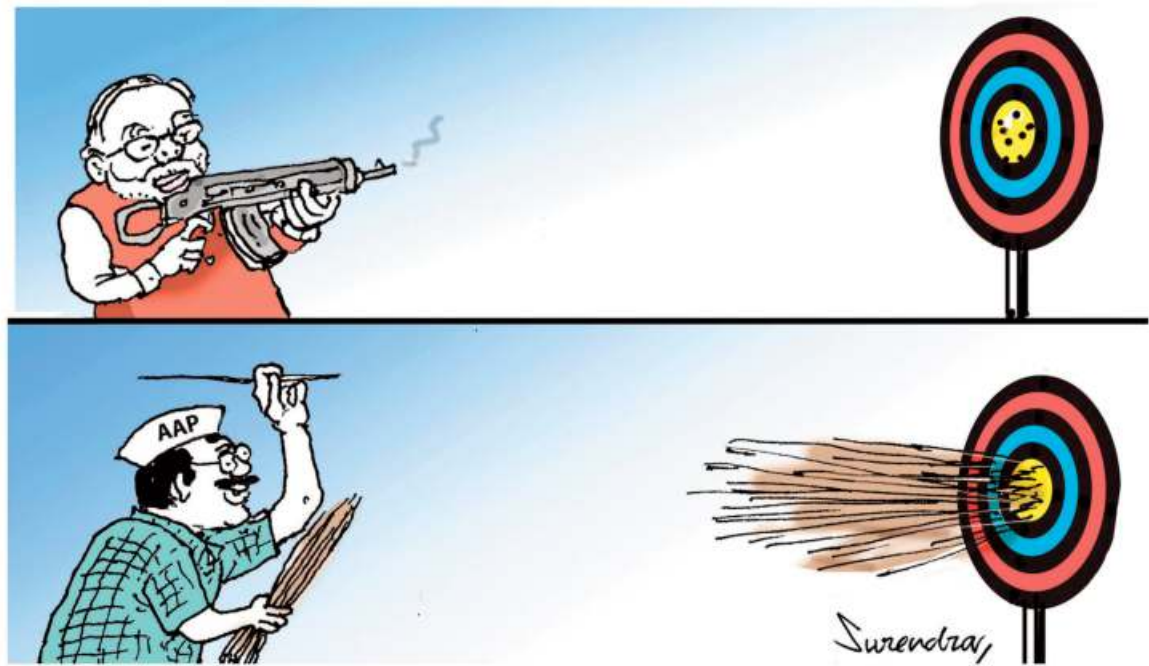
A new approach

In fact, the two sides might find common ground in devising a new approach to investment issues, at least until they resume their work on BITS. A starting point should be to review what they have done in their recent FTAs. The recently concluded U.S.-Mexico-Canada Agreement contains a novel approach on investment, notably its abandonment of investor-state dispute settlement with respect to the U.S. and Canada. Similarly, the Regional Comprehensive Economic Partnership, which India had been negotiating with ASEAN, Australia, China, Japan, Korea, and New Zealand, does not include investor-state dispute settlement. While India chose not to join the Regional Comprehensive Economic Partnership when it was concluded at the end of last year, it appears to have been on board with the FTA's investment provisions.

A U.S.-India investment agreement could focus on fair treatment for investors from the other country, regulatory transparency and predictability, and approaches for resolving concerns short of investor-state dispute settlements. At a later stage, most likely when the two are prepared to negotiate a more comprehensive bilateral FTA, they can go further on investment matters.

For now, however, they should focus on what is doable. A new, hybrid approach on investment would be a substantial step in the right direction. It will be critical to sustain momentum coming out of a first trade deal when the two leaders meet in Delhi. If India and the U.S. fail this test, the trade relationship is more likely to languish than blossom.

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DATA POINT

Electoral dichotomy

Even as the BJP's tally in the 2020 Delhi Assembly election increased compared to the 2015 polls, the party's vote share fell well short of the support it received in Delhi in the 2019 Lok Sabha election. A look at the BJP's performance in 13 recent Assembly elections shows that the party has been underperforming compared to the support it garnered during the 2019 national election. By **The Hindu Data Team**

Before Lok Sabha polls '19

In comparison to its performance in States that went to polls in November-December 2018, the BJP's vote share in the 2019 Lok Sabha election was much higher

State	No of constituencies in which BJP contested	% vote share in Assembly election	% vote share in general election	Vote share difference in the two elections (in % points)
Chhattisgarh	90	32.97	51.42	-18.45
Madhya Pradesh	230	41.02	58.51	-17.5
Mizoram	39	8.29	5.83	2.46
Rajasthan	191	38.97	61.34	-22.37
Telangana	118	7.07	19.75	-12.68

Lok Sabha & Assembly polls

Moreover, though in four States the Lok Sabha and Assembly elections were held on the same day, the BJP registered fewer votes in the Assembly elections than it did in the same constituencies in the Lok Sabha election

State	No of constituencies in which BJP contested	% vote share in Assembly election	% vote share in general election	Vote share difference in the two elections (in % points)
Andhra Pradesh	167	0.86	1	-0.15
Arunachal Pradesh	57	50.86	57.51	-6.66
Odisha	146	32.49	38.74	-6.25
Sikkim	12	4.06	5.56	-1.5

After Lok Sabha polls

The trend continued in the four Assembly elections after the BJP's return to power in the Centre — the party witnessed a dip in its vote share compared to its performance in the 2019 Lok Sabha election

State	No of constituencies in which BJP contested	% vote share in Assembly election	% vote share in general election	Vote share difference in the two elections (in % points)
Haryana	90	36.49	58.14	-21.64
Maharashtra	100	44.46	54.1	-9.63
Jharkhand	73	34.62	55.59	-20.97
Delhi	67	38.51	56.87	-18.36

The **Hindu**.

FROM THE ARCHIVES

FIFTY YEARS AGO FEBRUARY 12, 1970

Kenya girl's odyssey ends

The odyssey of Kenya born Indian girl Ranjan Vaid - who had been refused entry to Britain and to her native country - ended last night [February 10] at London's Heathrow Airport. The 21-year-old girl had been shuttled on one airline and then another, from one country to another for an entire week and a total of 17,000 miles before Britain yesterday finally decided to let her in for three months. Ranjan burst into tears and collapsed into the arms of her brother, Shantilal, who greeted her at the airport. "She is tired and hungry, she has been living on rolls and coffee for a week. She has not slept for 48 hours," he said. Although she holds a British passport, she was denied entry into Britain because Kenyan Asians also require an entry certificate, which she did not have. Kenya refused to take her back, because when she left she failed to obtain a re-entry certificate. Meanwhile some Kenyan Asians, who work in an honorary capacity for the British High Commission in Nairobi on Asian problems, have appealed to the British Home Secretary, Mr. James Callaghan, to ease their "desperate" situation by allowing them and their colleagues to enter Britain.

A HUNDRED YEARS AGO FEB. 12, 1920.

The Indian Science Congress.

The Indian Science Congress met at Nagpur on 12-1-20 and the five succeeding days. This was the seventh Congress and the previous six sessions were held at Calcutta, Madras, Allahabad, Bangalore, Lahore and Bombay respectively. Nagpur is almost at the centre of India and one has to go as near as Bombay or Calcutta in order to reach that place.

On account of the visitation of plague, the Managing Committee were forced to alter the arrangements they had made for the lodging and boarding of the delegates from the various parts of the country. At the eleventh hour, the Madras and Gujarati delegates were lodged at Robertson's Bungalow—a commodious building which accommodated nearly forty delegates, the Bengal delegates went to the Bengali school and other makeshift arrangements had to be made. The committee would have done better if they had taken into their body one or two representatives of the different Provinces or at least consulted such people with reference to accommodation, boarding etc. at different stages. Much credit is due to Mr. A.R.P. Iyer, the acting Government Agricultural Chemist at Nagpur, for leaving no stone unturned in looking to the convenience and comfort of the Madras and Gujarat delegates.