

<p><b>TOP 5 Fiction</b> Los Angeles Times</p> <p><b>1</b> <b>GONE GIRL</b> Gillian Flynn</p> <p><b>2</b> <b>Beautiful Ruins</b> Jess Walters</p> <p><b>3</b> <b>THE FALLEN ANGEL</b> Daniel Silva</p> <p><b>4</b> <b>WHERE WE BELONG</b> Emily Griffin</p> <p><b>5</b> <b>ODD APOCALYPSE</b> Dean Koontz</p>	<p><b>1</b> <b>wild</b> Cheryl Strayed</p> <p><b>WILD</b> Cheryl Strayed</p> <p><b>2</b> <b>UNBROKEN</b> Laura Hillenbrand</p> <p><b>3</b> <b>KILLING LINCOLN</b> Bill O'Reilly, Martin Dugard</p> <p><b>4</b> <b>DOUBLE CROSS</b> Ben Macintyre</p> <p><b>5</b> <b>THE AMATEUR</b> Edward Klein</p>	<p><b>TOP 5 Non Fiction</b> New York Times</p>
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# Affirmative Activism

Arun Shourie examines the other side of reservations

ARVIND P. DATAR

**A**RUN SHOURIE'S *Falling Over Backwards: An essay against reservations and against judicial populism*, now in a new edition, is an outstanding analysis of reservations in education and employment and some lamentable decisions of the Supreme Court.

After Independence, every political party, for reasons of political expediency, has done exactly what the Constitution did not want them to do. Every sensible check in the Constitution has been done away with and every sensible judgment overruled by a constitutional amendment. Not surprisingly, each amendment was passed with almost no opposition. The dream of the founding fathers of a casteless society has been turned into a nightmare of a caste-ridden society. And our politicians will not rest content till they further divide the already divided nation along religious lines as well.

Over the years, reservations up to 50 per cent have come to stay — 15 per cent for Scheduled Castes, 7.5 per cent for Scheduled Tribes and 27 per cent for Other Backward Classes. In Tamil Nadu, the reservation is as high as 69 per cent. In no other country is affirmative action practised on such a massive scale.

These percentages can be justified if the beneficiaries have been identified on a scientific basis. Shourie exposes the arbitrary manner in which the Mandal Commission identified "Other Backward Classes". The real tragedy is not that the Mandal report is flawed, but that the Supreme Court, by a majority, upheld it, despite noticing its glaring mistakes. The minority judgments rightly point out three things: no survey was done to find out whether the 3,743 castes, identified as backward, had adequate representation in the services; only 0.06 per cent of the villages were surveyed; and only 406 of 3,743 castes were subjected to any kind of socio-educational field survey.

The great jurist H.M. Seervai regretted the steep fall in the quality of judgments involving constitutional law and remarked that the judgments of the six majority judges in the Mandal case had reached "rock bottom". But the Mandal verdict had its silver lining: it held that reservations could not be extended to promotions, that unfilled reserved posts could not be carried forward beyond 50 per cent, and that a ceiling of 50 per cent must be imposed for reservation. These simple

safeguards were also sacrificed at the altar of populism by further constitutional amendments. Once again, what was even more tragic was that these amended provisions were held to be constitutionally valid by the Supreme Court. One wonders what Seervai would have said about the later judgments.

Shourie's scholarly examination of several decisions of the Supreme Court will be the envy of any jurist. In case after case, he points out untenable observations made by judges of the highest court that would embarrass even a politician. His logic is faultless and he clearly demonstrates that the Supreme Court, has, regrettably allowed dilution of constitutional safeguards.

Most citizens are unaware of the fact that reservations can, and do, actually cross the 50 per cent limit. If a Scheduled Caste or a Backward Class candidate succeeds on merit, he can claim the job or college seat in the open category. Consequently, one extra seat gets allotted to the reserved category. Suppose there are 100 seats in a college with 51 seats in the open category and 49 seats in the reserved category. If 15 candidates from the reserved category get admission in the open category because their marks are above the prescribed cut-off limit, then the seats for the forward category get reduced by 15. The

reserved category candidates will then get 64 seats. Shourie points out the devastating consequences of our reservation policies. In Kerala, 20,000 candidates applied for 700 medical seats. To gain admission, the forward class candidate had to get a minimum rank of 412, whereas a Latin Catholic backward class candidate got in with a rank of 2,653 and a Scheduled Tribe qualified with a rank of 14,246. In the services, the statistics are equally shocking. For example, in Karnataka, in certain government departments, 80 per cent of the chief engineers are from SCs and STs. Of the reserved category and general category engineers who joined in 1982, the former became assistant engineers in 1991, while the latter did not reach that grade till 2012.

The Supreme Court required candidates from the "creamy layer" to be excluded from reservation. Thus, children of wealthy parents, albeit belonging to a backward class, should not be given the benefit of reservation. Shourie once again shows how several states have made a mockery of even this salutary safeguard.

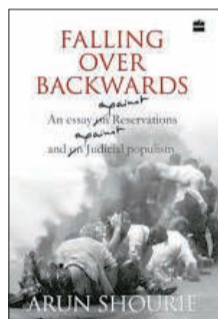
The last chapter titled "Epilogue or suicide by a thousand cuts" is particu-

larly engrossing. Shourie has examined recent high court and Supreme Court decisions on reservations for religious minorities, on the upholding of three constitutional amendments and the appalling verdict in the Indian Medical Association case where a bench of two judges simply ignored the judgments of benches of five, seven and eleven judges.

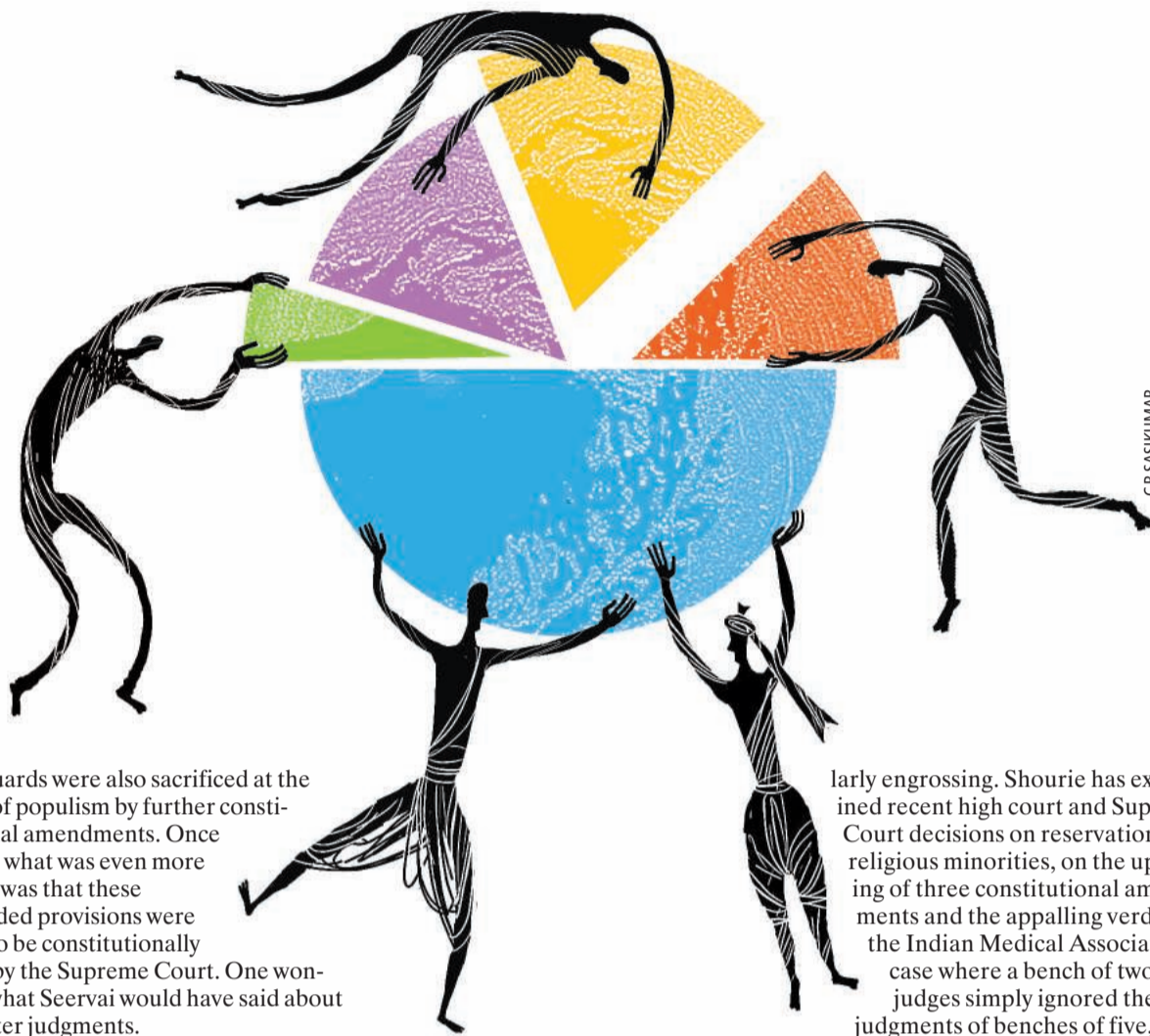
On June 27, 1961, Pandit Jawaharlal Nehru expressed dismay at the manner in which reservations were being made. Writing to chief ministers, he warned that India would become second- or third-rate if reservations were made on communal considerations. Nehru was also shocked to note that promotions were also made on caste considerations and warned: "This way lies not only folly but disaster."

It is a pity that every political party seems determined to drive this country in reverse gear. With elections due in 2014, the demand for reservations along religious lines and in the private sector will be made again. Shourie's masterpiece courageously exposes the ugly truth about reservations. No one denies the need for affirmative action. Poverty is a crippling handicap and the law has to step in to create a level-playing field. But there is absolutely no justification for reservations that are exclusively based on caste. What hope can a country have whose leaders knowingly, wilfully and deliberately choose the path of folly and disaster.

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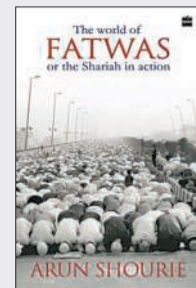


**FALLING OVER BACKWARDS**  
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ARUN SHOURIE  
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## EXCERPT



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## I NEED AN ANSWER

Did the hand rise out of the grave?

### THE QUERIST ASKS —

But first a word about the manner in which what they ask is set out in the following pages: so that nothing may be lost in translation, so to say, the questions and answers, including their spellings and grammar, are given exactly as they appear in the official website of the Darul Ifta, Darul Uloom, Deoband. To get back to the querist, he asks,

I would like to refer to book *Fadaail-e-Hajj* (English version) by Shaykh al Hadeeth Maulana Mohammad Zakariyya published by Kutub Khana Faizi Lahore, Pakistan, on Section 9; Manners of *Ziarat*, story no 9, a story about Syed Ahmad Rifaee (*rahmatullahi alaih*) which perform a *hajj* and *ziarah rasulullah* grave. On the grave, he recited a couple of poem. After that, the sacred hand of *rasulullah* came out of the grave and the syed kissed it. It is said that the occasion is witnessed by 90,000 people. My question, 1. can I trust the story because as what i knew, dead people cannot at any circumstances be brought alive. So, can dead people become alive? 2. The 90,000 witnesses is also seem superflous as can people with that huge number see the hand of *rasulullah* comes out from the grave and kissed by the *syaihkh*? To me, the story is merely sufism in nature which laypeople like me could potentially misunderstood about the story and brought forward false story to other. Only Allah knows best.

The *Ulema* of the Darul Uloom, Deoband, the institution that is often referred to as 'the Al-Azhar of the East', answer as follows:

Answer: 23583  
Jul 28, 2010  
(Fatwa: 1118/L=306/tl=1431)

This event does not belong to *tasawwuf* (mysticism), rather the people saw the holy hand coming out of the blessed grave with their naked eyes. It is proved that the dead can be alive with the permission of Allah. The book "*Tazkira Shah Abdur Rahim Dehlavi...*", published from Al-Furqan Lucknow, contains a booklet with the title "*Murdon Ki Zindon Se Ham Kalami*." In this booklet, Hadhrat Maulana Manzoor Nomani... has substantially proved in detail that the dead can talk to those who are alive. For details, study the same.

Allah (*Subhana Wa Taiala*) (Mighty and Great) knows Best  
Darul Ifta, Darul Uloom Deoband

That is not a fatwa issued in the middle ages. It was issued on 28 July 2010. Two points are worthy of notice here: what the Ulema of this high authority regard as fact, and what they regard as proof of that fact. That something is written in a book to the effect that 90,000 persons witnessed the hand rise out of the grave 1,400 years ago is both necessary and sufficient for them to maintain that the hand did indeed rise out of the grave; that a booklet written by Maulana Manzoor Nomani says that the dead can talk to the living establishes that they can indeed talk.

SUDEEP PAUL

**I**T WILL go down as one of the arch ironies of Anglo-American literature that just about the time the reputation of Martin Amis as the big daddy of English letters was sealed for a couple of generations, his career as a novelist had to be given up for lost. Till he returned with *The Pregnant Widow* (2010), which many, including this reviewer, had celebrated, and not without apparent cause at the time, as the intimation of Amis's late style. A couple of years later, Amis is back with a state-of-the-nation novel about the nation and the state he has recently left. Given Amis and family's departure for New York, *Lionel Asbo* cannot help but sound the notes of disappointment and disgust. England just did not get Amis Jr. He thought he always got England. But don't read *Lionel Asbo* for the state of England.

Lionel Asbo (A-S-B-O: Anti-Social Behaviour Order), the lotto lout, the East End low-life, who suddenly rises to celebrity by winning £140 million in the National Lottery while doing his chores in prison, "pronounced 'myth' miff. Full possessive pronouns — *your, their, my* — still made guest appearances in his English, and he didn't invariably defy grammatical number (they was, and so on). But his verbal prose and his accent were in steep decline. Until a couple of years ago Lionel pronounced 'Lionel' *Li-onel*. But these days he pronounced

'Lionel' *Loyonel*, or even *Loyonoo*.' A writer loves even her most loathsome characters and, despite the fact that the state of England is the state of its language, Lionel evokes both affection and abhorrence in his creator. Which, the reader can safely assume, is Amis's last word on England yet. For all the psychotic violence and the chilli-charged psychopathic pit-bulls he goes out debt-collecting with, Lionel is a petty criminal, and not very successful at that. He has turned stupidity into an art by steadfastly refusing to use his intelligence. For his 18th birthday, he had his last name changed from Pepperdine to Asbo in honour of the court order.

It is Lionel's half-Trinidadian, dark-skinned nephew Desmond Pepperdine that Amis heaps his affection on, to the point of sentimentality. The novel begins in 2006 with fifteen-and-a-half years old Des's letter to an agony aunt in Lionel's favourite tabloid, "Morning Lark", with grammar and spelling only a tad better than his "anti-dad", "counter-father" uncle. An orphan, Des is not only the moral but also the linguistic antithesis of Lionel — devoted to his Concise Oxford, with a hunger for etymology and learning languages, get-

ting distinctions in his A Levels, graduating to land a job in a paper, and dreaming of being a parent with his sweetheart Dawn.

A summary, of course, cannot do justice to the London borough of "Diston" vis-a-vis its real counterparts. For, *Lionel Asbo* is not merely satire. It is caricature driven to such excess that the distortions and departures, while very Amisly funny, make us reconcile ourselves to the realisation that we may be humourless after all, "handicapped in the head, or mentally 'challenged'", to quote Amis from his 1984 *Observer* piece "No Laughing Matter" (compiled in *The War Against Cliché*, 2001). "The trouble is that the challenge wins, every time, hands down. The humourless have no idea what is going on and can't make sense of anything at all." The challenge wins, not because the book is replete with our beloved and despised Amisms, but because it is inexplicably

dated — Amis alone knows why — weakening thereby the purpose of satire. A lottery by post, O Levels (discontinued more than 20 years ago), milk still supplied in bottles, letters to agony aunts sent, again, by post, etc, etc? And the English don't really talk on their "cell-phones", do they?

But to return to the plot, and *Lionel Asbo* offers a fully fleshed out one. The reaction of friends, family, society (to say nothing of the media) to Lionel's lottery luck is not just the state of the English but an enduring truth about human nature. Lionel can, and does, get ejected from one posh hotel after another till he ends up in one catering to unhinged (Lionel was declared "uncontrollable" at 18 months and earned his first Asbo at three years) rock stars, criminally inclined footballers and similar near-Asbos. He buys a garish country house, gets a glamorous girlfriend ("Threnody"),

orders champagne in pint glasses and makes a mess eating lobsters. What drives the tension of the plot, however, is Des's original sin: the affair with his grandmother.

Des's mother Cilla was 12 when he was born, Cilla's mother (Granny Grace) was 12 when she was born. In Diston, people don't live long and generations tend to overlap. Lionel is 22 in 2006, Beatlemaniac Grace 39, and shadowed by Alzheimer's. Lionel, ever intent on keeping his mother chaste and himself comically anti-carnal except for porn on his Mac, will perhaps kill Des if he finds out. But it is only after Grace is packed off to an old-age home and her recollections resemble the cryptic *Daily Telegraph* crosswords she was once obsessed with, that the danger comes home: when her memory returns after a bout of dementia, she mostly recalls her sexual adventures. How long will Des hold out? London's urban tragicomedy is vintage Amis (every section of the book inverts the cult song "Who Let the Dogs Out?"). After John Self and Keith Talent, you won't be surprised by Lionel Asbo, the chav. Diston, where "everything hated everything else, and everything else, in return,

hated everything back", is familiar territory. So is almost everything else. From the beginning, the "Amis-ness of Amis" is all over the place, celebrating, as Amis must, his wielding of English prose. And yet, *Money* (1984) and *London Fields* (1989) will still be cited as his best works. Des, as a moral insertion, inhabits a vacuum where the sights and sounds of the world of young men and women don't enter. Besides, what are the chances of a Diston lad, with Lionel for his guardian, of educating and self-sophisticating himself?

*Lionel Asbo* is Dickensian (incidentally, Des's school is Squeers Free), and Amis has been writing about the working classes for four decades. Yet, he continues to be attacked for it, for trying to empathise and imagine where empathy and imagination don't work. In a recent interview to David Wallace-Wells, Amis finds it "all so contemptible", and asks if critics and other detractors want to "ghettoise the working class as a subject". About the intentions of the literati, one suspects Amis is right. Unfortunately, using Des for poetic justice against historical deprivations grossly exaggerates the power of the written word, even Amis's. Maybe England didn't deserve Amis Jr. He remains, in Brooklyn, England's finest critic. But his fiction hasn't gone anywhere since 1989, except for the brief and brilliant, but rarely mentioned, meditative crime thriller *Night Train* (1997).



**LIONEL ASBO: STATE OF ENGLAND**  
MARTIN AMIS  
Jonathan Cape  
Pages: 276  
Rs 550