



## Bring in the experts

Jayalithaa's death does not deserve to be clouded by murky conspiracy theories

The philosopher Karl Popper argued that conspiracy theories are often premised on the notion that events are manipulated by sinister groups, shaped by a distrust of the notion of randomness and a yearning to explain phenomena in terms of an underlying or intentional order. From the birth of history, the death of famous people has provided a breeding ground for conspiracy theories. Clearly, the unfortunate and untimely passing away of Jayalithaa has become a playing ground for such 'theorists'. Astonishingly, more than a year after she died, two Tamil Nadu Ministers have called for a probe into her death by a special investigation team. Meanwhile, the Commission of Inquiry headed by Justice (retired) A. Arumughaswamy, constituted in September 2017 to probe her illness and death, is well into a third extension of its tenure. If it sometimes appears as if the Commission is shooting blindfolded in a dark room with blanks, that is because it is unclear if its principal focus is the issue of the "circumstances and situation leading to her hospitalisation", "subsequent treatment" and "unfortunate demise" or a larger conspiracy into her death. Both issues could be related, in theory. But if the main task is to determine whether the former Chief Minister received adequate medical attention before she was admitted in hospital and during her 75-day stay there, then this can only be settled by independent medical experts.

The corporate hospital she was treated in has filed a petition before the Commission seeking the constitution of a medical board comprising experts in a range of specialities to examine the case records and the interventions made by its doctors. This is an eminently sensible suggestion, given the complex and debilitating matrix of conditions that Jayalithaa suffered from. Only a complete understanding of her overall medical condition can result in a fair conclusion about the treatment she got. The importance of doing this is all the greater, given reports of critical errors in the recording of depositions of doctors before the Commission. One of them has gone as far as to say his application to correct errors has failed. The conspiracy angle has been given a new and perplexing lease of life with the Commission's counsel accusing the hospital and the State's Health Secretary of "conspiracy" and "collusion" in providing "inappropriate treatment". It would be improper to suggest that the Arumughaswamy panel is conducting the probe in anything but a fair manner, but it is essential that it also gives the impression that it is doing just that. After all, there is no getting away from the fact that the setting up of an inquiry commission had a clear political motive – it was a condition that needed to be satisfied to unite the warring AIADMK factions. Chasing elusive conspiracies will not enhance the Commission's image; taking the help of competent experts will.

## Removing fear

The private member's Bill aimed at protecting literary freedom from threats is welcome

Literary freedom is taken for granted in democracies, but forces that threaten or undermine it are always at work. Each age has to fight the battle afresh. In recent times, several attempts to get books withdrawn, pulped or sanitised of offending content have achieved full or partial success in India. Wendy Doniger's *The Hindus: An Alternative History* was withdrawn from circulation, and A.K. Ramanujan's essay 'Three Hundred Ramayanas' was dropped from a Delhi University syllabus. Tamil writer Perumal Murugan's *Madhorubagan* was withdrawn by the author under mob pressure but resurrected by a Madras High Court verdict. Public order, national unity and social or religious harmony are the principles commonly invoked against the practice of literary freedom. Threats to free expression, especially artistic freedom, in our times mainly come from those claiming to espouse the interests of a particular religion or social group. It is in this context that Shashi Tharoor, Congress MP and writer, has introduced a private member's Bill in the Lok Sabha seeking to protect freedom of literature. Its objective – that "authors must be guaranteed the freedom to express their work without fear of punitive action by the State or by sections of society" – commends itself to any society that upholds liberal values. It seeks the omission of three IPC sections, including 295A, in effect a non-denominational blasphemy law, as it targets deliberate or malicious acts to outrage religious feelings.

Section 295A is a grossly misused section, often invoked in trivial ways to hound individuals, harass writers and curtail free expression. It deserves to be scrapped. Sections that relate to the sale of obscene books and uttering words that hurt religious feelings are also sought to be omitted. However, it is unclear why Section 153A, which punishes those who promote enmity between groups on grounds of religion, race or language, and Section 153B, which criminalises words and imputations prejudicial to national integration, do not draw Mr. Tharoor's attention. In the process of proscribing a book, he proposes a tweak in the form of a 15-day prohibition. Thereafter, the onus should be on the State government to approach the High Court to seek a permanent ban. It favours the scrapping of the provision in the Customs Act to ban the import of books, but makes a public order exception. It wants to limit the bar on obscenity in the Information Technology Act to child pornography. Private Bills rarely become law, but they are useful in highlighting gaps in the body of law. Seen in this light, Mr. Tharoor's initiative is most welcome as a step towards removing or diluting penal provisions that inhibit literary freedom.

# The CBI and the rules of political combat

Elite consensus may often degenerate into a ganging up of the powerful, but its absence results in chaos



D. SHYAM BABU

The year 2018 witnessed the emergence of two inter-related threats to India's federal polity. But the political class remains oblivious to the potential of these threats, if not tackled in time, to inflict system-wide damage.

The first threat is that the national investigative and regulatory agencies, such as the Central Bureau of Investigation (CBI), are increasingly seen to be unmoored of the well-established bureaucratic professionalism and neutrality. The State-level agencies may be far worse, but that is a different matter. The political impact of this sentiment, whether it is true or false, is the refusal of some State governments to permit the CBI to conduct its operations in their States.

### Strong signals

Giving credence to the doubts about the CBI's integrity, the families of Govind Pansare and Gauri Lankesh, who were killed in 2015 and in 2017, respectively, have determined to oppose a combined CBI investigation into their killings as well as that of Narendra Dabholkar and M.M. Kalburgi.

Gone are the days when people would demand a CBI probe into any crime or scam involving influential persons. One may dismiss the State governments' blocking the CBI probes within their jurisdictions as politically motivated, but one cannot ignore civil society's lack of confidence in the agency's competence and neutrality.

The second threat to our political system is the increasing tendency, especially among the two national parties, to not only implicate each other's leaders in litigation but relish the spectre of the other having to spend time in courts or in jail. Our political space is turning into the moral universe of Buck Grangerford in Mark Twain's *Huckleberry Finn* wherein one is only certain of the other being one's mortal enemy but one's not sure of what's the feud about, or who started it or when. This moral relativism is corrosive and dangerous.

Though the kind of institutional collapse for which the CBI has become the poster-boy, and the political adversity turning into personal enmity are not new but they, like a disease, have entered a critical phase.

In November, the governments of Andhra Pradesh and West Bengal withdrew 'general consent' to the CBI to register fresh cases under its purview. One implication of the decision is that the CBI will have to obtain the State's consent case by case; this will give a State government the opportunity to both ensure that the CBI is not acting at the behest of the ruling party at the Centre, or insert its own politics into investigations. The agency may technically go ahead with cases it already registered in these States, but that logic holds only on paper. Without a State government's active cooperation, the CBI or any Central agency cannot carry out its operations in that State.

This is a truly tragic moment for the CBI, which has had its roots as an anti-corruption wing of the



British Indian government known as the Delhi Special Police Establishment, a lacklustre name till 1963, when it became the CBI. That from such humble origins it rose to national eminence was a tribute to its competence and professionalism.

As mentioned, in the past some States occasionally blocked the CBI probe in specific cases but what is new, as exemplified by the decisions of Andhra Pradesh and West Bengal governments, is that hereafter a State's refusal to allow the CBI probe in its territory is likely to be based not so much on the merits of a case but on political equations between that State and the ruling party at the Centre.

It is not the CBI alone that will be caught in the cross hairs of Centre-State feuds in future. Other agencies such as the Enforcement Directorate, the National Investigation Agency (NIA), etc. may find it hard to smoothly carry out their operations in States that are not politically aligned with the ruling party at the Centre.

There was a time in the 1980s when a special income tax team sought to conduct search and seizure operations against persons close to the ruling party in Jammu and Kashmir without informing the local police for obvious rea-

sons, the team faced unpleasant backlash.

Under the Constitution, the State governments have exclusive jurisdiction in matters related to law and order. The Centre can claim its jurisdiction over its departments located in States, such as railway property, and on matters like terrorism, sedition, counterfeit currency, etc. Even in these cases the Central agencies cannot discharge their duties without active cooperation from the State government concerned.

Consider this, for example: unlike the CBI act (the Delhi Special Police Establishment Act) which mandates States' consent, the NIA Act does not place such a restraint on the NIA. However, the NIA would be no more effective than the CBI when a State refuses to cooperate, whether that refusal is *de jure* or *de facto*.

### Dialogue required

Our federal system, insofar as it is concerned with the national investigative and regulatory agencies, worked well due to two reasons. One, as long as a single party remained in power at the Centre and in most States, the issue of political interference did not arise. Two, these agencies' reputation for professionalism and impartiality also ensured their success.

It is clear now that no single party will be so dominant at the national as well as State levels into the foreseeable future, and regretfully these agencies are not in pink of their health. But herein lies an opportunity.

The absence of a single-party dominant polity means that India will witness a revolving-door politics where the ruling party and the Opposition will exchange places fairly regularly. And their propen-

sity to lock up each other will abate.

The present context also highlights the urgent need to define and delineate 'federal crimes' as recommended by the Malimath Committee in 2003. The exercise should not be about compiling a list of crimes and prefacing each crime with the 'federal' adjective. Instead, the task should be to bring in States as partners in solving a national problem: how best to calibrate different tiers of government and bring about political consensus so as to ensure India's constitutional scheme delivers on its promise.

A first step in this direction has to be the willingness of political parties, especially the Bharatiya Janata Party (BJP) and the Congress, to recognise the danger they pose to each other as well as to the entire polity. And then arrive at a *modus vivendi* which must contain the need for the elected executive to refrain from 'monitoring' investigations; a provision for more effective judicial oversight at all stages of criminal investigations; and the resolve to ensure bureaucratic neutrality.

### Restoring credibility

The task of restoring the credibility of investigative agencies cannot be rocket science. Moreover, it is now in the self-interest of all political parties. As the nation approaches the national elections in a few months, the time is ripe for ideas to strengthen our federalism. Ideas for reforms will spring up and fructify only if elite consensus creates a conducive environment.

D. Shyam Babu is Senior Fellow, Centre for Policy Research, New Delhi. The views expressed are personal

## India's options and the Pashtun factor

In fashioning its Afghan policy, India has to take into account a resurgent Taliban



MOHAMMED AYOOB

It's rightly being pointed out that India has to be prepared for the potential consequences of the withdrawal of U.S. troops from Afghanistan. While New Delhi is weighing its options it must take into account that for all its antipathy toward the Afghan Taliban, the latter does represent, in a distorted form, a facet of Pashtun nationalism. What has given added potency to the Taliban's appeal is this: its ability to couch in religious terminology traditional Pashtun aspirations for dominance in Afghanistan as well as the aversion of Pashtun tribes to foreign interference in their land.

### Invasion shifts power

It is the combination of ultra-orthodox Islam, a product of Saudi involvement in the so-called Afghan "jihad", with Pashtunwali, the traditional Pashtun social code, and opposition to foreign presence that provides strength to the Taliban. Most Pashtuns, who comprise over 40% of the population of Afghanistan, believe that they are the rightful rulers of the country. They base this on the history of the past 300 years when Pashtun dynasties ruled Afghanis-

tan almost throughout. While the Persian-speaking Tajiks, who form around a quarter of the population, are more urban and educated than the Pashtun tribes and staffed a substantial portion of the Afghan bureaucracy, the ruling dynasties were invariably Pashtun.

This situation changed with the American invasion in 2001 aided by the largely Tajik Northern Alliance that shifted the locus of power out of Pashtun hands. The emergence of the Pashtun Taliban from Kandahar in 1994 was in reaction partly to the fear of Tajik domination and partly to the mayhem and anarchy caused by the "mujahideen" factions fighting each other for control of the country. With Pakistan's military help the predominantly Pashtun Taliban imposed a degree of order and ruled approximately three-quarters of Afghanistan from 1996 to 2001.

Pashtun resentment against foreign intervention, which drove their opposition to the Soviet invasion and now fuels antipathy towards American military presence, also has a long history going back to their resistance to British intrusion during the 19th century. It was augmented by British success in dividing the Pashtun lands in eastern and southeastern Afghanistan and drawing the Durand Line that attached a large portion to British India, now Pakistan. This drastically reduced Pashtun demographic superiority in Afghanistan. Opposition to the Du-

rand Line was the principal reason why Afghanistan voted against Pakistan's admission to the UN in 1947.

Traditionally, Pashtun nationalism in Afghanistan was based on ethnicity and tribal loyalties and not connected to religion, which explains their hostility toward predominantly Muslim Pakistan during the first three decades of its existence. The Soviet invasion of Afghanistan in December 1979 fundamentally changed the nature of Pashtun nationalism. It led to American and Saudi support for the Afghan insurgency, with Pakistan acting as the conduit for American arms and Saudi financial support to the tribes fighting the Soviets and their proxy government in Kabul. It also led to the import of Saudi-Wahhabi ideology through madrasas set up with Saudi funding on the Pakistan-Afghanistan border. These madrasas produced the first generation of the Taliban.

### Pakistan and the Pashtuns

Simultaneously, the Soviet invasion altered the nature of Pakistan's relationship with Pashtun nationalism, turning it from hostility to support. This process culminated with the installation of the Taliban regime in Kabul in 1996 with Pakistan's military aid. It provided Pakistan with strategic depth in the event of a future conflict with India. Equally important, Pakistan's support to this religiously inspired manifestation of Pashtun



nationalism largely solved the problem of Pashtun irredentism within Pakistan.

Although polls show that the majority of Afghans do not support the Taliban, the divided and infirm nature of the nominally ruling dispensation and its corruption and inefficiency have helped the Taliban gain renewed support among parts of the Pashtun population. Added to this is the vicarious satisfaction that many Pashtuns feel at the Taliban's defiance of the Kabul government, making it a viable force in Afghanistan.

The resurgent Taliban is driven not so much by Islam as the quest for Pashtun dignity and revenge. While it is not in a position to rule over the entire country, and certainly not the urban areas, it does control large swathes of the rural areas in the predominantly Pashtun provinces of eastern and southeastern Afghanistan. In other words, it is in a position to make the country ungovernable and indefinitely continue the civil war especially because of its control of the drug trade that finances its ac-

tivities. The withdrawal of American forces will provide it greater opportunity to expand its area of operation.

### Indian policy

It is important that New Delhi takes this factor into account while fashioning its policy toward Afghanistan in anticipation of American withdrawal. India's refusal to publicly criticise, let alone denounce, the Soviet invasion of 1979, while understandable in that particular geopolitical context and a consequence of India's gratitude for Soviet support during the Bangladesh war, ended up doing India great harm in the eyes of its traditional friends in Afghanistan, the Pashtuns. It also provided Pakistan greater scope to curry favour with Afghanistan's largest and traditionally dominant ethnic group.

It will take a great deal of creative thinking and imaginative re-fashioning of New Delhi's policy towards Afghanistan for India to recover lost ground *vis-à-vis* the Pashtuns. Depending on the U.S., itself on the verge of cutting its losses in Afghanistan, or on other powers such as Russia and Iran to protect Indian interests in that country will be foolhardy and counter-productive.

Mohammed Ayoob is University Distinguished Professor Emeritus of International Relations, Michigan State University and Non-Resident Senior Fellow, Center for Global Policy, Washington DC

## 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.

### Rafale, in Parliament

The debate in Parliament on the Rafale fighter aircraft deal was with fireworks but did not clarify any doubt. Union Defence Minister Nirmala Sitharaman may have had the upper hand and come up with punchlines – such as that if the Bofors issue brought down the Congress party, Rafale, on the other hand, will help Prime Minister Narendra Modi come to power again – but there is no logic here. How can a deal with many questions over it help the government? Rhetoric apart, the government has not answered a key issue – of the selection of a private and novice Indian company as offset partner. The Narendra Modi government has to prove that it did not favour anyone unduly. The government cannot hide

behind the excuse that the choice of selecting the partner is that of the seller's.

Dr. D.V.G. SANKARARAO,  
Nellimarla, Andhra Pradesh

Ms. Sitharaman's long-winded speech has not cleared the air. Her invocation of 'national security' and 'hostile environment' was fine as a prelude to her defence of the dubious deal. But their connection to the alleged corruption in the Rafale deal was left unexplained. She left a raft of questions unanswered – on the number of aircraft, the cost, the choice of the private Indian firm and the lack of a sovereign guarantee. Her contention that defence procurement was at its weakest under the UPA regime was not quite relevant to the issue at hand.

Only a few will believe that the Indian private company was made the Indian offset partner by Dassault Aviation without being prodded to do so by the Indian government. Only a few will accept that debt and inexperience could help such a firm qualify. Referring to the AgustaWestland deal, Ms. Sitharaman held that the HAL would give only helicopters and "not anything else", oblivious to the fact that the same logic applies to the deal in question too. Instead of fielding his Ministers to defend the shady deal, the Prime Minister must be upfront about all that he knows and clear the air.

G. DAVID MILTON,  
Maruthancode, Tamil Nadu

Ms. Sitharaman appears to have a sense of humour. She knows fully well that it is

neither AgustaWestland nor Rafale which is going to bring the BJP or the Congress back to power. It is the non-performance of the NDA at the Centre which is going to play a vital role in the general election. Voters are not fools. Ms. Sitharaman must remember the long list of significant promises the BJP made when it swept to power in 2014. Her statement in Parliament could haunt the BJP in the forthcoming general election.

MOHAN ARIMBOOR,  
Thrissur, Kerala

### On the Mallya trail

The move to declare Vijay Mallya a fugitive economic offender should lead to concrete action against other such alleged economic offenders (Page 1, "In a first, Mallya declared a 'fugitive economic offender'," January 6). It is also hoped that the

government will make public the names of all major bank defaulters and initiate strict recovery proceedings, including legal action where applicable.

A. MOHAN,  
Chennai

### Blood safety

The case of a pregnant woman in Tamil Nadu testing positive for HIV as a result of a blood transfusion raises many questions on the efficacy of the medical care being offered in the State (Tamil Nadu, "Tainted blood", January 6). In India, there is much reliance placed on laboratory assistants especially in pathology laboratories operated by private firms. Readings too differ drastically from one clinic to the other even if tests are taken within a span of a few days. There is rampant commercialisation

# Lessons for Kashmir from the Kuriles

India and Pakistan can learn from Japan and Russia on seeking innovative solutions to disputes



KRISHNAN SRINIVASAN

The Second World War left behind many problems inherited from history, not least in Asia in respect of multiple disputed territories. One of them concerns four islands in the Kurile chain that are claimed by Japan but occupied by Russia as successor state of the Soviet Union. Despite the passage of over 70 years, this dispute has defied solution and prevented the conclusion of a Russo-Japanese peace treaty to draw a final curtain over the detritus of the war.

## Claims and counterclaims

The Kuriles are an archipelago of some 56 islands spanning about 1,800 km from Japan's Hokkaido to Russia's Kamchatka. All of them are under Russian jurisdiction but Japan claims the two large southernmost islands, Etorofu and Kunashiri, and two others, Shikotan and Habomai, as its 'northern territories'. These islands were occupied by the Soviet Union in August 1945, after which the entire Japanese population, numbering less than 20,000, was evicted. The islands are now populated by the various ethnic groups of the former Soviet Union, but only eight of them are actually inhabited.

The prime value of the islands, however, is strategic. The Russians have deployed missile systems, plan a submarine project there, and intend to preclude any American military use of the islands.

Public opinion in both countries is totally averse to any concession. Russian memory recalls the Japan-Russia war (1904-05) and the Japanese intervention with the U.S. and Europe during the early years of the Russian Revolution. Moscow's legal claim is based on the post-war settlements of Yalta and San Francisco, whereas the Japanese claim is founded on the Russia-Japan treaties of 1855 and 1875. Leaders in both Russia and Japan are aware that their domestic political positions would be severely at risk from right-wing and conservative circles were they to suggest even the slightest compromise.



"Although Russia has for long been Japan's hypothetical enemy, Japanese PM Shinzo Abe's wish to engage with Moscow stems from the rapid rise of China." Russian President Vladimir Putin (left) with Mr. Abe in Moscow in 2013. ■AFP

Among hyper-nationalist circles, territorial issues have always been questions of utmost sensitivity. While the Japanese government's official position is that it has "energetically been continuing negotiations with Russia", the reality is that it was only after the advent to power of President Vladimir Putin in Russia and Prime Minister Shinzo Abe in Japan that there has been any forward movement. After Mr. Putin's visit to Japan in 2016, both leaders have embarked on some joint undertakings on the islands without calling in question the claims and legal positions of either side. In two summits last year, they agreed to joint field surveys and joint economic activities with the identification of specific projects, the enterprises that would undertake them, and three levels of supervision. These proposals cover marine species and aquaculture, greenhouse strawberry and vegetable cultivation, development of package tourism, wind power generation, and the reduction and disposal of garbage. They also agreed to scheduled visits by Japanese families who sought to visit the graves of their ancestors, and two such visits have already taken place. The Japanese have further proposed safe opportunities for fishing salmon and trout without using prohibited driftnet methodology, and cooperation in disaster prevention. These may seem small steps, but underlying them is a serious purpose: to build trust. Sum-

mits and Foreign Ministers' meetings have become commonplace.

Moscow is concerned about Tokyo amending Article 9 of the Japanese Constitution, which disallows Japan from maintaining a military force or using force to settle international disputes, and views with anxiety the fact that Japan is among the world's biggest spenders on defence and has a very powerful military. Japan plays host to American bases and missile systems, and plans to spend \$240 billion up to 2024 on cruise missiles, missile interceptors, fighter jets and aircraft carriers. Responsible for this military build-up are trepidations about threats from China and North Korea. South Korea for its part has similar apprehensions and, apart from being the world's 11th major economy, has now become the 12th strongest military power. Moscow cannot be unaware that Japan and South Korea seem to be inching towards a future of relative independence from the U.S. in wartime operations, especially in the context of the projected American decline in world status, and the political uncertainties among Washington's political circles.

Although Russia has for long been a hypothetical enemy of Japan's, Mr. Abe's wish to engage with Russia stems from the rapid rise of China, which spends three times more on defence than Japan, and the perceived threat from North Korea, which recently fired two ballistic missiles over Japan as a taunt to the U.S.

Russia is now seen in Japan as the lesser enemy, and improving relations with Moscow might drive a wedge in the growing quasi-alliance between Russia and China, a break-up desired by the U.S.-led Western alliance. Tokyo notes that the Russian far east is endowed with plentiful natural resources which are in need of investments, but is hampered by a small population, whereas China has 100 million citizens along that shared land border. Japan has no territorial or demographic ambitions in Russia other than the Kuriles, and has the capacity to transform the vast contiguous areas of Russia.

## Towards greater collaboration

Therefore, it is hardly surprising that both Japan and Russia see merit in pursuing greater collaboration, although the U.S. has made no secret its displeasure at Japan's accommodating attitude towards Russia. At Vladivostok last September, Mr. Abe declared that Japan-Russia relations held "unlimited potential" and that the absence of a peace treaty was "an abnormal state of affairs". Mr. Putin agreed, noting that the Russian and Japanese militaries had cooperated for the first time, and urged the immediate conclusion of a peace treaty without preconditions. Japan demurred on the grounds that the Kurile islands dispute had to be settled first before the issue was foreclosed. Nonetheless, Mr. Abe stated that "Japan-Russia relations are advancing at a degree never seen before."

The interactions between Japan and Russia probably hold scant interest for the Indian public. Nevertheless, although no two international problems are analogous, there are important lessons to be drawn from the manner in which traditionally hostile neighbours can identify common interests and explore unorthodox avenues along which to proceed in search of innovative solutions to apparently insoluble disputes. This requires strong leadership and a bold imagination. Neither India nor Pakistan lacks either attribute. Kashmir is essentially a territorial dispute of almost equal vintage as the Kuriles. But if both sides keep waiting for the most propitious time to make the first move, it will never come about.

Krishnan Srinivasan is a former Foreign Secretary

## FROM THE READERS' EDITOR

# The Sabarimala coverage

A response to the newspaper's critics



A.S. PANNEERSELVAN

When faith comes in conflict with the Constitution, journalism becomes complicated. Ever since the Supreme Court ruling on the entry of women of all ages into Sabarimala, questions of patriarchy, equality, constitutionality and tradition have been raised. In an emotionally charged environment, people tend to read reports wearing ideological blinkers. I received complaints from both the critics of the Supreme Court ruling and supporters of the rights of women about *The Hindu's* coverage of the ruling and the developments thereafter.

## Various objections

The critics felt that some of the reports were one-sided. For instance, one reader felt that the report titled "Sabarimala 'purification' rites violate SC verdict" (Jan. 3) contradicted another report, "Supreme Court refuses to grant early hearing on 'contempt' plea against Sabarimala temple chief priest" (Jan. 3), and said the newspaper is deliberately misleading its readers. The first report explained that the majority of the five-judge Constitution Bench observed on the concept of purity and pollution. It did not contain the reporter's personal comments; it only cited the written observations of the judges. The second was a report filed from the court. It stated that a five-judge Bench is listed to hear 49 review petitions and a range of applications regarding the September 28 verdict of the Constitution Bench in open court on January 22. I don't understand how stating facts is misleading.

Another reader took strong objection to the editorial "Breaking barriers", which appeared after two women entered the temple, and termed it "Hindu phobic". He felt that an impartial editorial would address the issue of gender discrimination across all religions in the country. He may not be aware of the governing values of this newspaper. In 2015, in a column titled "Living values" (Jan. 26), I had documented the consistent stand of this newspaper in its opposition to all forms of obscurantism and how it has spared no group, irrespective of religion, when the actions of that group threatened the peace-

ful coexistence of religions and people.

There was also an angry note from Kavita Krishnan, Secretary of the All India Progressive Women's Association and Polit Bureau member of CPI(M), regarding a local report in the Kerala editions headlined "A first for Sabarimala Ayyappa temple", which explained the so-called cleansing ritual after the entry of the two women. Her contention was that the report smacked of Brahmanical patriarchy. I am at a loss to understand this outrage. Isn't it important to report the level of obscurantism that is prevalent here? Is it right to pull out one short report of 200 words, which is a part of a large package of stories, and arrive at such a conclusion? The package also contained the following stories: "Tantri should have quit if verdict unacceptable: CM"; "Sangh Parivar scaring women, says CPI(M)"; "Traders put loss of business at ₹1,200 crore"; "CM promises protection to women devotees"; and "Operation was kept under wraps to ensure safe passage".

## Reporting disturbing realities

*The Hindu's* reportage on Sabarimala has been exhaustive. No issue has been overlooked. In fact, on the day of the judgment, the newspaper's report headlined "Sabarimala women entry ban an 'essential practice'", says dissenting judge Indu Malhotra gave the lone dissenting judge due space. A later report (October 9, 2018) documented how the Sabarimala review pleas take Justice Malhotra's line. The newspaper also carried a dissenting view from a former judge, Markandey Katju, who feared that the judgment might open a Pandora's box.

This column, like this newspaper, does not discriminate against one form of hatred over another. In fact, it equated the killings of Narendra Dabholkar, M.M. Kalburgi and Govind Pansare in India with the assassinations of Governor Salman Taseer and Minorities Minister Shahbaz Bhatti in Pakistan and the killings of secular bloggers Nazimuddin Samad, Niloy Chakrabarti, Avijit Roy, Washiqur Rahman and Ananta Bijoy Das in Bangladesh, and fearlessly declared that these deaths are grim reminders of majoritarian ruthlessness in the Indian subcontinent.

If journalism has to remain an effective interlocking public, it has to report everything, including some very unpleasant and disturbing realities.

readerseditor@thehindu.co.in



VIDEO GRAB

## SINGLE FILE

# India's Atlantic challenge

Trump's 'America First' policy and the Brexit deal could pose more challenges this year

MARTAND JHA



While 2019 is a year of hope and perhaps provides an opportunity for a reset in some areas of policy for India, a lingering concern is that the choppy waters of the Atlantic Ocean may throw up many economic challenges that might rock India's boat of stable economic growth. This is because, first, U.S. President Donald Trump's 'America First' policy could lead to more tariff and subsidy hiccups, culminating in protracted trade battles, in the context of protectionism. And second, if the U.K. has a 'hard Brexit', India may be looking at unexpected complications regarding trade adjustment, and a U.K.-India Free Trade Agreement (FTA) may be out of the question.

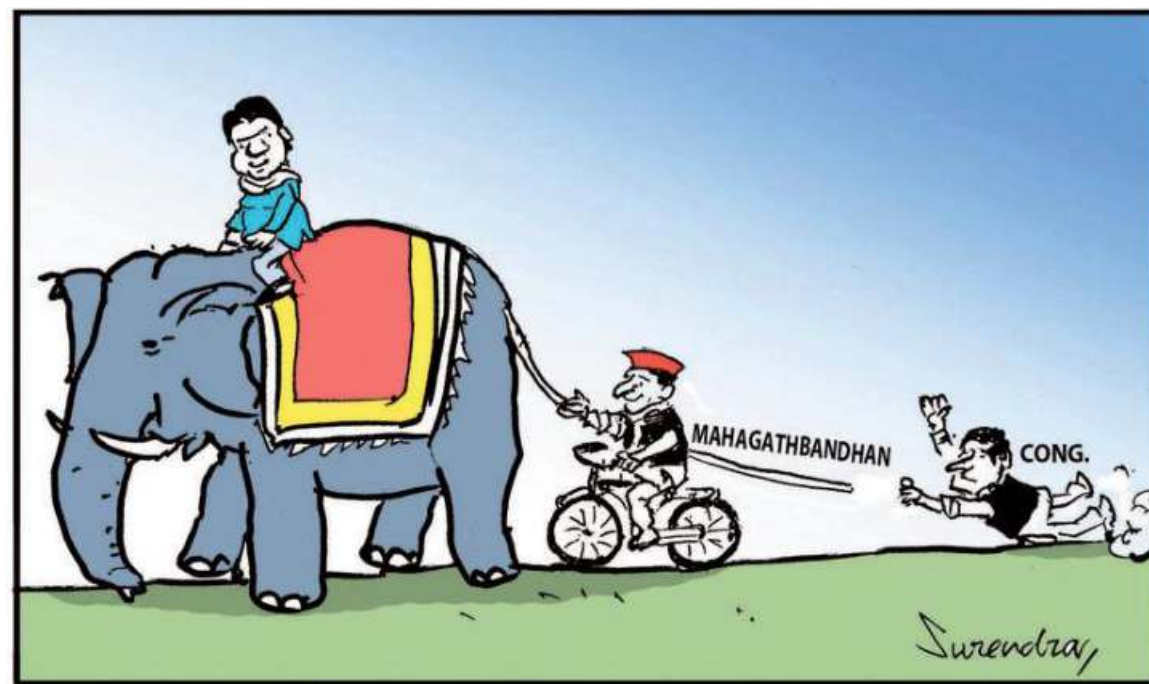
Considering the U.S. first, the Trump administration is attempting to replace the rules-based trade order with a bilateral trade agreements and sanctions network, a system that has distinct disadvantages for India. The trade experience of 2018 provides a sense of what could happen in 2019 vis-à-vis India-U.S. trade relations. Last year, when Mr. Trump gave the green light to start a trade war by escalating tariffs between U.S. and its three main trade partners - the EU, China and NAFTA - a relatively small yet strategically significant tariff spat broke out between Washington and New Delhi.

Both countries engaged in a tit-for-tat tariff policy, giving momentum to global trends towards trade protectionism. When India was denied an exemption by the U.S. from increased tariffs on steel and aluminium imports, it reciprocated by hiking import duties on 29 American export products, including pulses and iron and steel products. This show of strength against Washington's deep-pocketed lobbies was, however, at odds with India's original stand on this issue, which was pro-globalisation. Indeed, Prime Minister Narendra Modi's speech at Davos in January 2018 gave considerable time to the reasons why trade protectionism was a worrisome phenomenon.

A broader disadvantage for India of a spiralling trade war with the U.S. is that it could easily spin out of control and create rifts in other areas such as security and diplomacy. If that happens, it may be of considerable benefit to China, which India - and ironically the U.S. too - wants to contain.

With the U.K., India's trade in 2019 depends on the twists and turns of Brexit politics, both in London and in Brussels, with the March 29 deadline for the same looming ever closer. However, for India to secure its trade interests, it needs to renegotiate with both the EU and the U.K. for goods and services. Also, the discussion on FTA with the EU must be resumed and a similar conversation must be launched with the U.K. If these negotiations are managed carefully, Brexit may even emerge as an opportunity for India to recalibrate the legal terms of its trade with the U.K. and the EU, at the multi-lateral level, and through free trade agreements.

The writer is a Junior Research Fellow at School of International Studies, JNU

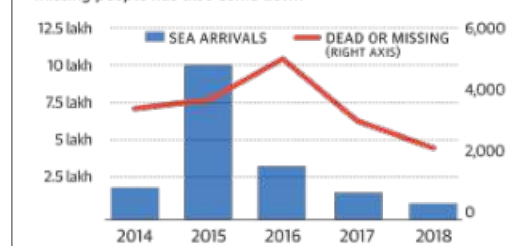


## DATA POINT

# A sea change

Since the European refugee crisis began, the number of asylum seekers from Asia and Africa crossing the Mediterranean Sea was lowest in 2018. The dip was mainly due to a let-up in the Syrian civil war as the influence of the Islamic State waned. Also, the refugees were forced to change their routes due to anti-immigration stances in some destination countries. By Vignesh Radhakrishnan

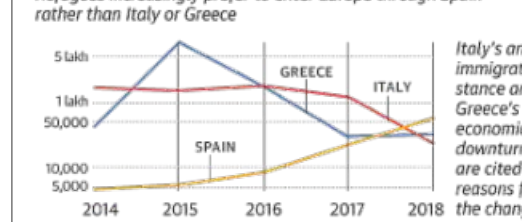
**GRAPH 1**  
Following the 2015 peak, the number of refugees crossing the Mediterranean has consistently reduced. The number of dead or missing people has also come down



**GRAPH 2**  
Of every 10 people worldwide who died or went missing while migrating since April 2015, six were crossing the Mediterranean



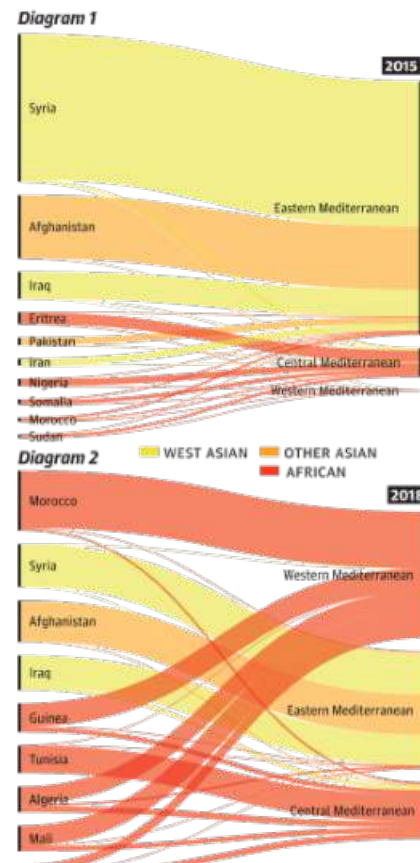
**GRAPH 3**  
Refugees increasingly prefer to enter Europe through Spain rather than Italy or Greece



**GRAPH 4**

Diagrams 1 and 2 show the flow of refugees across Mediterranean routes in 2015 and 2018, respectively. The more the width of each band, the higher the number of refugees

In 2015, during the peak of the Syrian civil war, refugees from the country flooded the Eastern route



## FROM THE HINDU ARCHIVES

FIFTY YEARS AGO JANUARY 7, 1969

### Lord Denning's call

Lord Denning, Master of the Rolls (U.K.), called upon the lawyers of the Madras Bar to uphold the dignity, independence and integrity of their profession. He said they should present their cases courageously and honestly and not suggest anything that was untrue. Lord Denning told a packed gathering of Judges of the Madras High Court and advocates how both England and India had a common heritage because in their systems of law they depended on the proper practice and procedure. They called it common law; they could not talk of individual and personal freedom without this common law. It was their duty to uphold freedom to every man. How could they do it except by rule of law? he asked. He explained how they were protected by rule of law and said in India they had shown that rule of law or rule of courts was superior even to the legislature. But they had not done it in England. He hoped that they in England would follow it.

A HUNDRED YEARS AGO JANUARY 7, 1919.

### Opium Smuggling in China.

The 'Times' [of London] learns from Shanghai that Indian opium to the value of 16,000 dollars has been seized on board the Chinese customs revenue cruiser, on which Sir Francis Aglen, Inspector-General of Maritime Customs, was returning to Shanghai from a visit of inspection to Southern ports. The Chinese crew clearly imagined that any ship in which the Inspector-General was travelling would be safe from troublesome investigation. The value of the opium indicates that the crew were merely agents of a bigger organisation. Indeed the extent to which opium smuggling is now practised is scandalous. In nearly every ship from South China and Vladivostok some opium is found, occasionally running to enormous figures. Opium is extensively cultivated in Korea while recently established factories in Formosa are doing big business in exporting morphia to China, principally through the Japanese Post Office which the Customs are unable to touch.

## CONCEPTUAL

### Life-cycle hypothesis

ECONOMICS

This suggests that individuals even out their consumption in the best possible manner over their life cycles. The hypothesis is that people who are young usually have several years of productive employment ahead of them, so they tend to borrow money to fund their education and consumption needs, while people who are older tend to be more conservative about their borrowing and spending habits as they have fewer years of productive employment ahead of them. The life-cycle hypothesis was proposed by Italian economist Franco Modigliani and his student Richard Brumberg in 1957.

## MORE ON THE WEB

Yet another primer on New Year's resolutions

bit.ly/AshwiniNYResolutions