

COURT SAYS PAK BREACHED VIENNA CONVENTION, REJECTS INDIA'S CALL TO ANNUL MILITARY VERDICT

Justice in International Court

Jadhav death sentence suspended, Pak told to review, grant access

SHUBHAJIT ROY
NEW DELHI, JULY 17

AFTER MORE than two years of battle at the global court, New Delhi won a legal and diplomatic victory over Islamabad Wednesday after the International Court of Justice ruled that Pakistan must review the death sentence for Indian national Kulbhushan Jadhav. He was sentenced by a Pakistani military court on charges of "espionage and terrorism".

The court affirmed the former Indian Navy officer's right to consular access and slammed Pakistan for denying this. And made it clear that Jadhav's death sentence should remain suspended until Pakistan effectively reviews and reconsiders the conviction and sentence in the light of its breach of Article 36 — that is denial of consular access and notification.

The court, however, rejected India's call to annul the military court decision and ensure his release and safe passage home. This means that Jadhav will not be free in the immediate term and the ball is in Pakistan's court to decide his fate.

In reality, this judgment underlines that Jadhav must get access to consular and legal assistance but does not rule that he can be tried under the civilian court of law.

The only thing, it says, is that the review and reconsideration

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SUSHMA AND HER TEAM THAT BUILT INDIA'S CASE

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should be "effective". It has even suggested to Pakistan's government that it can take legislative action to make the process of review and reconsideration "effective" — this is right now in the military court's domain.

The judgment comes in the wake of strained ties between India and Pakistan over the last few years as Delhi isolates Islamabad on the global stage. Much will depend on how Islamabad acts on this judgment.

The 42-page verdict, read out by Judge Abdulqawi Ahmed Yusuf, President of the Court, at the Peace Palace at The Hague on Wednesday was decided with 15 judges, including China's judge, in favour while only Pakistan's ad-hoc

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The International Court of Justice ruled 15-1 in India's favour at The Hague, Wednesday. PTI

What next for Pak: how ICJ raises bar for Jadhav's due process

APURVA VISHWANATH
NEW DELHI, JULY 17

THE VERDICT of the International Court of Justice Wednesday puts pressure on Pakistan by raising the bar for the next steps in Kulbhushan Jadhav's due process.

For one, ruling in India's favour in a 15-1 vote, the ICJ said Pakistan has breached international law by denying Jadhav consular access and legal representation. The court verdict, in paragraphs 99-119, indicts Pakistan's military court that does not allow for legal representation.

So the ICJ by allowing legal representation for Jadhav has, essentially, forced Pakistan to follow a more rigorous process to ensure an effective review as per the court's ruling. In fact, the court went to the extent of saying that Pakistan must ensure this "(even) if necessary, by enacting appropriate legislation." Senior advocate Harish Salve, addressing the media in London, said that if Pakistan conducts the trial in its military court, it would have to amend its laws to allow legal representation. India had argued that trial in the military courts in Pakistan does not satisfy the minimum standards of

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EDUCATION POLICY: THE SHORTCOMINGS
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On state plea, Ranchi court drops Quran donation as bail condition

ABHISHEK ANGAD
RANCHI, JULY 17

ADAY after it asked a 19-year-old B.Com student to distribute copies of the Quran as a condition for her bail, a Ranchi district court Wednesday recalled its order after the police officer investigating the case submitted that there will be difficulties in "implementing the order" and the Jharkhand government, too, asked for a modification.

The court of Judicial Magistrate (First Class) Manish Kumar Singh in granting bail to Richa Bharti, who was arrested earlier for sharing an offensive social media post targeting Muslims, asked her to hand over a Quran to the local Anjuman Committee in the presence of police, and four more to different libraries.

But in its reviewed order Wednesday, the court said: "The IO (investigating officer) has prayed that the condition of donating Holy Quran by petitioner may be done away with because of difficulties in implementation. The state has prayed for modification of the said bail order and modifying the condition

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IN PARLIAMENT



GOVT WILL IDENTIFY, DEPORT ALL ILLEGAL IMMIGRANTS: SHAH
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3 women among 9 killed as land dispute leads to firing in UP village

MANISH SAHU
LUCKNOW, JULY 17

NINE PERSONS, including three women, were shot dead and 24 others injured Wednesday in UP's Sonbhadra district in a clash between two groups in Umbha village following a dispute over land that previously belonged to a trust linked to an IAS officer, police said.

Police said the clash broke out between Umbha residents, who claimed possession of the land, and another group led by the pradhan of a neighbouring village, who had bought the property from the trust two years ago.



One of the injured being taken to hospital. Vijay Vinit

"The pradhan, Yaghya Dutt, and his associates reached Umbha on a tractor-trolley and started farming activity on the land. The local farmers, who were on the land, protested. They were soon joined by other resi-

dents of the village. Heated arguments led to both groups throwing bricks at each other. Then, the firing took place," said Braj Bhushan, ADG (Varanasi Zone).

Bhushan said 12 persons, including relatives of the pradhan, have been arrested. The dispute over the 90 bighas of land, about 3 km away from the village, was already pending in the Sub-Divisional Magistrate (SDM) court, he said.

"Local residents have been farming on the land over several years and were paying rent to a 12-member trust, which owned it. Around two years ago, two of the trustees, who are family members of an IAS officer, sold

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KARNATAKA TRUST VOTE TODAY

Speaker's call on resignations, says SC, but gives rebel MLAs a shield

ANANTHAKRISHNAN G
NEW DELHI, JULY 17

IN AN interim order on the eve of the crucial trust vote in the Karnataka Assembly Thursday, the Supreme Court Wednesday left it open to the Speaker to decide on the resignations of 15 rebel Congress and JD(S) MLAs but also ordered that the MLAs should not be "compelled" to attend the ongoing session of the House.

Hearing a plea by the rebels against Speaker K R Ramesh Kumar who has not accepted their resignations, a bench of Chief Justice of India Ranjan Gogoi and Justices Deepak Gupta and Aniruddha Bose said it was passing the order keeping in view the fact that Chief Minister H D Kumaraswamy's government faces a trust motion Thursday.

Thirteen Congress and three JD(S) MLAs have resigned since July 6, technically reducing the numbers of the coalition from 117 to 101 compared to the BJP's 105 in the 224-member House where the halfway mark is 113. However, the numbers will reduce only when the resignations

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Chief Minister Kumaraswamy in Bengaluru, Wednesday. PTI

SC verdict not in our way, says Cong, will issue whip

JOHNSON TA, LIZ MATHEW & MANOJ C G
BENGALURU, NEW DELHI, JULY 17

HOURS AFTER the Supreme Court left it to the discretion of Speaker K R Ramesh Kumar to decide on the resignations of 15 rebel coalition MLAs in Karnataka, the Congress and JD(S) Wednesday decided to issue a whip to all its legislators, including 16 MLAs who have

resigned, to attend the trust vote scheduled Thursday as well as a separate whip to vote for the coalition.

But the rebel MLAs, holed up in Mumbai since they quit, hailed the SC's directions and said there was no question of taking back their resignations from the Assembly or attending the trust vote. "We are happy with the decision of the Honourable Supreme Court, we honour it," said rebel Congress

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Cabinet asks finance panel to consider securing funds for defence

EXPRESS NEWS SERVICE
NEW DELHI, JULY 17

IN WHAT could be a major change in how government allocates funds for national security, the Union Cabinet Wednesday asked the Finance Commission to consider if "adequate, secure and non-lapsable" funds could be provided for defence and internal security. It also extended the term of the Fifteenth Finance Commission by a month to November.

The decision buttresses the Union Government's emphasis on national security which, both Prime Minister Narendra Modi and Union Home Minister Amit Shah have stated, is one of their primary areas of focus. The Finance Commission has been asked to examine whether a separate mechanism for funding of defence and internal security ought to be set up, and if so, how could it be operationalised.

If the recommendations made by the Finance Commission — which is constituted under Article 280 of the

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Kohli won't have a say in choosing new coach

EXPRESS NEWS SERVICE
NEW DELHI, JULY 17

UNLIKE LAST time, captain Virat Kohli will have no say in the selection of the Indian team's new head coach, a senior BCCI official told *The Indian Express*.

The final decision will be taken by a steering committee, headed by former India skipper Kapil Dev, and approved by the



Shastri is on extension

Supreme Court-appointed Committee of Administrators (CoA), the official said.

"Last time, the captain (Kohli) had expressed his difficulty, or the team's difficulty, with former coach Anil Kumble. In the new selection process, he will have absolutely no say with regards to who becomes the coach. This time, we have Kapil Dev in the coach selection committee, and he will not listen to him (Kohli),"

the official, who did not wish to be named, said.

In another departure from the process followed last time, the BCCI has decided that the senior selection committee will pick the support staff to assist the coach.

"Support staff will be picked by the selection committee. Normally, we allow the head coach to do that (pick the support staff) for team building. This

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PAGE 1 ANCHOR

Newsroom to Govt, reporter to father, how Kargil tipoff travelled

SUSHANT SINGH
NEW DELHI, JULY 17

WHILE MUCH of what happened during the war on the icy heights of Kargil in 1999 has been extensively debated and analysed, little known are the details of how senior ministers of the Atal Bihari Vajpayee cabinet first learnt of the intrusions in the area. They got to know of it rather fortuitously, after a senior Army officer approached the son of then Foreign Minister Jaswant Singh.

Manvendra Singh, son of Jaswant Singh, and a Territorial

Army officer, said, "I was then covering defence for *The Indian Express*, with well-established contacts and friends in the Defence ministry and the Services headquarters. At the beginning of the second week of May, I got a call from a senior officer in Army Headquarters that I should positively see him that evening." This was in May 1999.

"I met him for dinner at his residence where he told me that something was happening in Drass-Kargil sector which seems to be serious because a Special Forces unit had been heli-lifted urgently that day and taken to



the heights in that sector," said Singh, who later became an MP and a MLA in Rajasthan.



Prime Minister Atal Bihari Vajpayee with troops in Kargil in June 1999. Express archive

"When I enquired more, he said that it was some problem with the Line of Control (LoC) management and there are intruders suspected to be in that sector. As a military man, he asked me to convey the same to the political leadership through my father as the matter was serious," added Singh.

Singh met his father very early next morning and asked if he was aware of any reports of a major problem in the Drass-Kargil sector. Jaswant Singh replied in the negative and reached for his RAX phone.

"He called his colleague George Fernandes, who was the

Raksha Mantri, and asked if he was aware of some unusual happenings in the Drass-Kargil sector, to which Fernandes said no. He told my father that he was due to leave abroad on a reciprocal visit that day. My father suggested that before he leaves, he should ask for a briefing in the Operations Room of the Military Operations directorate for both of them," said Singh.

Both the ministers were briefed by the Director General Military Operations (DGMO) and informed about the intrusions, but not the full extent or the nature of intrusions or the presence of regular Pakistan

Army soldiers. It later came to light that the local Army formations had kept the Army Headquarters in the dark even as they were discovering the truth about the intrusions in the Drass-Kargil-Batalik sectors.

As per the Kargil Review Committee report, there were around 140 posts and pickets established by regulars of Pakistan Army, over a frontage of 100 km up to a depth of 8 km inside Indian territory over months in 1999. The Indian Army had first detected the intrusions on May 6, 1999, and the then Corps Commander Lt Gen Kishan Pal

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