



Outrageous defiance

Justice C.S. Karnan's continuance as a judge makes a mockery of the rule of law

He has brought the judiciary into disrepute, flouted all norms of judicial conduct and thrown an open challenge to the Supreme Court. His continuance as a judge makes a mockery of democracy and the rule of law. The case of Justice C.S. Karnan is no longer just strange or curious; it is disgraceful and intolerable. The Calcutta High Court judge's 'order' summoning the Chief Justice of India and six judges of the Supreme Court to his 'residential court' to face punishment under the Scheduled Castes and Tribes (Prevention of Atrocities) Act, 1989, is yet another unacceptable affront to the apex court's authority. Justice Karnan's conduct goes against the assurance he gave the Chief Justice of India last year that he would foster a "harmonious attitude towards one and all". At that time, he had expressed regret for passing a *suo motu* order staying his own transfer from the Madras High Court to the Calcutta High Court, admitting that it was an "erroneous order" passed due to "mental frustration, resulting in loss of mental balance". The latest instance of his misconduct is in response to the contempt proceedings initiated against him by the Supreme Court for denigrating the judicial institution by making sweeping allegations, in a letter to the Prime Minister, against several judges. He had appeared in person before a seven-judge Bench on March 31, and was given four weeks to respond to the charge of contempt of court. It is quite apparent that he is only further damaging his own case.

The recalcitrant judge has a long history of alleging corruption among other judges, accusing some of caste discrimination against him, and often invoking his caste identity to take complaints against his peers and even Chief Justices to the National Commission for Scheduled Castes. In the past, he has passed judicial orders on matters pertaining to the selection of judges, even after being barred by a Division Bench from hearing them. He had once barged into a court during a hearing, and on another occasion into the chamber of the Madras High Court Chief Justice, "hurling a volley of invectives". Public criticism, transfer to another High Court, being hauled up for contempt and being denied judicial work — nothing seems to restrain him. The only option left is impeachment, but it is a political process involving Parliament and is something he himself may want so he can give full play to his alleged grievances, including those based on his caste. Justice Karnan's case vividly exposes the inadequacies of the collegium system of appointments. Nothing makes a better case for the infusion of greater transparency in the selection of judges than his current presence in the High Court.

The rights thing

The Army must act quickly on reports of the use of a human shield by its personnel

Reports of Army personnel using a young man as a human shield in Jammu and Kashmir's Budgam district must not only invite a swift inquiry and justice, but also compel the Army and the government to issue clear statements on the unacceptability of this shocking practice. A short video clip that went viral on Friday showed a man tied to the bonnet of an Army jeep being driven through the streets, as it escorted election officials on polling day in the Srinagar parliamentary constituency. Heard in the clip, on what appears to be the public address system of the vehicle, are the threatening words, "Paththar bazon ka yeh haal hoga (this shall be the fate of stone-pelters)." The man has subsequently been identified as Ferooz Dar, a 26-year-old who embroiders shawls, and the Army personnel are said to belong to the 53 Rashtriya Rifles. There is a lack of total clarity on exactly what happened, including how long Mr. Dar was tied to the bonnet — he says he was subjected to this humiliation as the vehicle passed through 10 to 12 villages, while Army sources have been quoted as saying it was for just about 100 metres. But such questions relating to distance are hardly the issue. The larger point here is that if he was indeed forcibly strapped on to the bonnet, it amounts to an instance of gross human rights violation, and must officially be called out in clear terms.

Human shields have often been used cynically by terrorist organisations — the Islamic State uses civilians as shields in its battles, and the LTTE used them in the closing stages of the civil war in Sri Lanka. To use a person as a human shield is to abduct him, to hold him hostage, and to potentially put him in harm's way. There is no argument that the Army, which is caught in a situation in which terrorists attempt to blend in with the civilian population, is fighting a difficult and unenviable battle. But the difficulties in fighting a hybrid war do not constitute a justification for the use of human shields, which is categorised as a war crime by the Geneva Conventions. Only a couple of days before the human shield video surfaced, another one — which showed CRPF personnel exercising admirable restraint as they were pushed and beaten by youth in Kashmir — had gone viral. It is ironic and hypocritical that some of those who commended such self-control are now defending the indefensible use of a human shield. It is true that the polling in Srinagar was held in a hostile environment, the abysmally low 7% turnout being a reflection of local alienation as well as intimidation by militants to keep people away from voting. But the security bandobast was aimed precisely to reassure the people and not to force an "us vs them" binary. The Army must expedite the inquiry and act against the erring personnel where warranted. Its response must also publicly affirm its Code of Conduct *vis-à-vis* civilians, which includes the clause, "Violation of human rights... must be avoided under all circumstances, even at the cost of operational success". To do any less would amount to being a party to rights violations.

The shifting sands of 2017

Elections across Europe will need to produce a new generation of leaders if its remapping is to be prevented



RAKESH SOOD

The Palazzo dei Conservatori at the Piazza del Campidoglio in Rome is certainly an impressive setting to celebrate a sixtieth birthday. Yet, for the 27 European Union (EU) leaders and the presidents of the European Council, the European Commission, the European Parliament, the European Council of Ministers, the European Central Bank and the Eurozone Finance Ministers who came together on March 25 to celebrate the founding of the EEC (European Economic Community) exactly 60 years ago, the mood was sombre. The strains of Beethoven's "Ode to Joy", the European anthem, failed to lighten it. There were more questions than answers; in fact questions posed by those not at the party.

British Prime Minister Theresa May had not been invited and was probably signing the formal letter invoking Brexit; two months earlier, U.S. President Donald Trump in an interview had predicted the breakup of the EU, though a month later he attempted a course correction but still praised the U.K. for taking a "smart decision"; there was also Russian President Vladimir Putin's increasing questioning of 'liberal democracy' and Turkish President Recep Tayyip Erdogan's indications that Turkey may no longer be interested in pursuing its EU membership!

EEC to EU

From a homogenous group of six countries (Belgium, France, Germany, Italy, Luxembourg and the Netherlands) in 1957 that formed the EEC, today's EU has 28 member countries. A milestone was the 1992 Maastricht Treaty which replaced the Community with the more ambitious EU and cleared the way for the introduction of the euro in 1999. Along the way, the EU was awarded the Nobel Peace prize in 2012.

Over the years, multiple European groupings have emerged, with overlapping memberships. The Eurozone consists of

19 out of the 28 members; the 31-member European Economic Area has the EU 28 together with Iceland, Liechtenstein and Norway; Schengen membership stands at 26 while NATO has over 20 European members. From being a cohesive whole, Europe is suddenly looking more fragmented. In 1957, the European experiment had been based on convergence and each time it faced a challenge, the clear solution was 'more Europe'. Today, the new answers are being described as 'a Europe at different speeds' or 'Europe with a variable geometry' which struggles to accommodate the inevitable divergences among the increasingly heterogeneous 28 members.

From 1957 to 1992, the European experiment was a customs union leading to a common market. Cohesiveness was ensured by a commitment to democracy (by definition also 'liberal' because the idea of 'illiberal democracy' had not surfaced) with security outsourced to NATO and the U.S. The reunification of Germany, the collapse of the Soviet Union and the introduction of the euro during the 1990s led to the EU entering uncharted political territory with the Maastricht Treaty. Ideas of a Common Foreign and Security Policy and a Common Security and Defence Policy emerged and with that came the creation of the position of the High Representative of the EU in 1999. Henry Kissinger had famously remarked: Who do I call if I want to call Europe? There was now a number but the EU High Representative's has remained a vexing and often frustrating job with major member states preferring to maintain and manage their own foreign and defence policies.

With the continuing economic strains posed by the 2008 economic crisis, political pressures generated by a more assertive Russia under Mr. Putin, the growth of jihadi extremism globally and radicalisation of Muslim minorities in Europe, and the migration challenge catalysed by Western interventions in Libya and now Syria, the balance between the political and economic compacts in Europe has begun to fray. Ageing populations and disruptive technologies add to the complexity.

European Parliament members, though elected directly, have been



singularly unsuccessful in convincing their constituencies of the virtues of the European project. Meanwhile, national politics has seen a resurgence of nationalism. An anti-immigrant sentiment has taken hold, elites stand discredited and populism has pushed countries away from regionalism and globalisation. Sentiment has turned against the EU and its institutions and therefore 'more Europe' is no longer the acceptable answer. Brexit was just the first warning sign in 2016.

A crucial French election

Now, 2017 is a crucial year with elections in key European states. Last month, there was a palpable sense of relief when the Dutch Prime Minister Mark Rutte managed to keep his liberal party, VVD (The People's Party for Freedom and Democracy), in the lead in the national elections, despite a slide from 41 seats to 33, in a House of 150. In contrast, Geert Wilders of the PVV (Party for Freedom) managed to improve his standing from 15 to 20 on an anti-European, anti-Muslim platform. There had been real concern that Mr. Wilders would ride the Brexit-Trump anti-establishment wave. Many believe that Mr. Rutte's headline in banning Turkish Ministers to campaign among the Turkish community for the Turkish referendum on April 16 helped him get a second wind.

Later this year, elections are due in France and Germany, followed by Italy and Sweden in 2018. Of these, the French election is the most crucial where Marine Le Pen of the National Front is certain to clear the first round on April 23 in a

closely contested two-stage election. Republican candidate François Fillon's campaign has been faltering since disclosures that he had paid large sums to his wife from public funds for 'working' as his Parliamentary Secretary. This is not an uncommon practice among French politicians but since Mr. Fillon had campaigned as Mr. Clean, his image took a hit and his ratings plummeted from 30% to 20%. His loss has been Emmanuel Macron's gain.

A 39-year-old former investment banker with Rothschild, Mr. Macron joined President Hollande's cabinet for two years as the Economy and Industry Minister before quitting last summer to launch his own political party, En Marche (On the Move). He is seen as pro-business, pro-European and a social liberal. At present, he is running neck and neck in the opinion polls with Ms. Le Pen, who is expected to engage in sharper personal attacks on Mr. Macron in the run up to the final round on May 7. For Ms. Le Pen and her support base, Mr. Macron is the perfect target, part of the global elite, more at home with bankers and business leaders and disconnected with the workers and farmers. A Le Pen victory would push the EU into a mortal crisis as she has promised to quit the Schengen regime and take France out of the euro. Mr. Macron's challenge is that he is seen as a political neophyte with a political party that is less than a year old when the country is gripped with self doubt, insecurity and uncertainty!

Elections in Europe

In Germany, Chancellor Angela Merkel will be seeking a fourth term in September. Though currently in the lead, she faces a strong challenger in Social Democrat candidate Martin Schulz. The disruptor however is the new AfD (Alternative for Germany) led by Frauke Petry who describes herself as a 'nationalist conservative'. AfD was set up in 2013 and since then has gained representation in 10 out of 16 state parliaments. Ms. Petry is a Eurosceptic and seeks to reassert German identity while being anti-Islam and denying climate change.

Normally, Italian elections should take place in early 2018 but following Prime Minister Matteo

Renzi's stepping down earlier, these could be brought forward. The populist leader of the Five Star Movement, Beppe Grillo, is also pushing for early elections as his party is currently neck and neck with Mr. Renzi's Democratic Party in the opinion polls with a near 30% rating. Together with two anti-European groups — Berlusconi's Forza Italia and Matteo Salvini's Lega Nord — the Eurosceptic lobby crosses 55%. This is hardly surprising given that Italy has not seen any growth in per capita GDP since the euro was established in 1999.

Sweden, which will go to the polls next year, is also facing the 'nationalist Eurosceptic' malaise. Sweden Democrats, led by Jimmie Akesson entered parliament for the first time in 2010 and by 2014, had emerged as the third largest party with 13% of the popular vote on the anti-immigrant and right wing populist platform.

Whither EU

Meanwhile Hungarian leader Viktor Orbán extols the virtues of 'illiberal democracy' and Turkey has lost interest in pursuing EU membership. EU's deal with Turkey, a year ago to curb the Syrian refugee influx, has been holding but European criticism of Mr. Erdogan's increasingly authoritarian moves has led him to threaten retaliation and he could well reopen the tap, causing another migration crisis in an uncertain year.

Mr. Trump has already asked NATO's European members to hike their defence budgets to the long promised target of 2% of their GDP, currently met by Poland and the U.K. At present, this is unlikely and only exposes fault lines that Mr. Putin will be glad to exploit.

Today, analysts agree that the expansion of both the EU and the Eurozone in the last decade was too rapid but the clock cannot be turned back. Creating exceptions to keep the experiment going merely creates an illusion of unity. The 2017 elections will need to produce a new generation of European leaders like Jean Monnet and Robert Schuman if a remapping of Europe is to be prevented.

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Carpool for cleaner air

High-occupancy toll lanes will combat air pollution and foster a more disciplined driving culture

ARMIN ROSENCRANZ & RAGHUVEER NATH

Air pollution in India causes at least a million deaths annually. In Delhi alone, over 30,000 people die every year due to air pollution, the main causes of which are increasing road traffic and factory pollutants, and crop and waste burning.

While the Arvind Kejriwal-led Delhi government undertook several measures at the end of 2016 such as shutting down thermal power stations for 10 days and prohibiting construction activities temporarily, air pollution has been on the rise. This is because most of these measures were temporary, aimed at combating the deadly haze that had enveloped the city at that time.

The odd-even (licence number) scheme undertaken by the government during the first half of 2016 was one of the most ambitious. However, despite the initiative, general air pollution in the city, which is measured by PM_{2.5} rose by 15% and 23% during the first and second phase of the odd-even rule, respect-

ively. This raises some important concerns regarding the current policy on tackling air pollution. While there are no easy answers, we need to look for new solutions.

A case for HOT lanes

One such solution is the creation of high-occupancy toll lanes, or HOT lanes. This refers to reserving one or more lanes on selected roads and highways for cars carrying more than a single occupant. This ensures that single-occupancy vehicles are restricted to the remaining lanes, thereby making the HOT lanes relatively faster (also through relaxation of speed limits for these lanes). While this was pioneered in the U.S. in 1969, its effective implementation in other countries such as China and Indonesia has encouraged millions of commuters to opt for car-sharing as it ensured them a speedier and less costly journey.

The success of this idea is exemplified by a 2005 report in the U.S., which revealed that two lanes with the high-occupancy vehicles 3+ (HOV 3+) facility between 6.30 and 9.30 a.m. saw a total of 31,700



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people in 8,600 vehicles (3.7 persons/vehicle), while the remaining four general purpose lanes carried 23,500 people in 21,300 vehicles (1.1 persons/vehicle). Moreover, the average travel time in the HOV lanes was 29 minutes, as against the 64 minutes in the general lanes. In India, however, such an idea is still far from being imagined; in Delhi, for instance, there exists no policy in relation to car-pooling till date.

There is also a greater cultural issue. Critics highlight that given India's peculiar disregard for lane-driving, the implementation of HOT or HOV lanes seems to be a long shot. However, the effective implementation of HOT lanes can provide significant incentive to fostering a more disciplined driving culture.

Of course, its implementation would require important considerations relating to whether it should be enforced during particular hours, or whether the minimum number of passengers required to avail of the benefit should be two or more, or whether HOT lane commuters will pay a lower road toll or will be completely exempt from it, to name a few. Nevertheless, if we impose significant fines on violators on HOT lanes and strictly monitor the policy by first applying it to limited areas, the results are bound to reduce air pollution by incentivising passengers to carpool.

Also, in India, where most cars carry two-three people on average, it is perhaps preferred to dedicate such HOT or HOV lanes to cars carrying more than three occupants. Completely exempting these lanes from toll or, at the very least, substantially reducing the toll levied on them in relation to other lanes would provide significant incentive to the commuter.

Accordingly, a toll differential system based on the number of car occupants and on the latest pollution

check of the vehicle is the need of the hour. In Delhi, like in most metropolitan cities, drivers are supposed to carry a valid pollution under control (PUC) certificate with them. This is based on the Bharat Stage norms (BS) which are based on European regulations. While the latest BS-IV norms are due to be enforced in the whole country from this month onwards, there is no system for differential toll treatment for higher polluting vehicles and trucks.

Therefore, the government should take this into consideration and introduce a differential toll treatment for less polluting and higher occupancy vehicles. Moreover, electric cars or battery electric vehicles should be completely exempt from the toll. This will not only incentivise people to regularly check their vehicle's pollution, but will also help reduce air pollution.

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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.

Worry of cybercrime

Digital transactions have accelerated rapidly especially after the exercise of demonetisation by the government. Cyberattacks and the siphoning of money from bank accounts make the vulnerabilities of bank cyber security discernible, leaving account holders worried ('Sunday Special' - "Hacked: how \$171 mn stolen from Union Bank was recovered", April 16). There is an urgent need to overhaul the entire cyberinfrastructure in our country and develop a hack proof and robust system. Most States have not taken cybersecurity as a priority. Most districts in the country don't even have a cyber police cell which leaves citizens helpless and nowhere to go in case of any cyber misappropriation. The user has also to remain

vigilant. Proper dissemination of information and caveats from the central bank are the need of the hour.

GAGAN PRATAP SINGH, Noida, Uttar Pradesh

The disturbing report comes at a time when citizens are being coaxed into going digital. The fact that there is still the unresolved issue of at least ₹25 crore missing from various accounts with the Bank of Maharashtra must not be lost sight of. Insisting that Aadhaar be linked to almost every transaction in day-to-day life will also increase the possibility of information falling into the wrong hands. Unless banks come under greater scrutiny, NPAs are eliminated and proper safeguards put in place, we should not rush to embrace

digitalisation and endanger the savings of citizens.

S. VASUDEVAN, Secunderabad

Save Kulbhushan

The curious case of Kulbhushan Jadhav is a poignant pointer to the state of things in Pakistan. It is still a mystery how a single Indian tourist to Iran could intrude into Pakistan "to spy". Not a single associate who assisted him in the solitary mission seems to have been identified and it is not known what sort of intelligence was gathered by him, and how he sponsored espionage and sabotage single-handedly. Such a case involving the rights of citizens of other countries should have been heard in a civil court, but Pakistan seems to be the exception to this civilised norm. Apart from rendering the hapless

man legal and diplomatic support, India should send a special emissary to the nations that matter to expose the obdurate neighbour.

S.V. VENKATKRISHNAN, Bengaluru

An ecological threat

This refers to a letter in this column ("The tree we love to hate", April 15) where *Prosopis juliflora* has been described in glowing terms. The tree is not a native species. Its roots can reach deep towards groundwater sources and deplete them. Groundwater is already a scarce resource and is being overexploited. There are many alternative species that are more environmentally friendly and which will not threaten the water table.

N.S. PRASIDHA, Krishnagiri, Tamil Nadu

AIDS-free by 2030

The goal of an AIDS-free world by 2030 may not be an easy task given that there seems to be a slackening in awareness creation and disease prevention. I remember the day, in 2000, when a camp on AIDS awareness was held in our school. We came to know about the various facts about the disease; we were told that even using an unsterilised blade in a

barber's shop was an unsafe practice. Although huge sums of money are being invested by the government in prevention programmes, awareness among youngsters seems low. We need more catchy slogans to rekindle the spirit of awareness among people.

ASHISH DWEVEDI, Greater Noida, Uttar Pradesh

MORE LETTERS ONLINE: www.hindu.com/opinion/letters/

CORRECTIONS & CLARIFICATIONS:

The scoreboard which accompanied the report, "Spinners help KKR defend 172" (Sport, April 16, 2017) wrongly said, SRH won by 17 runs. Actually, KKR won by 17 runs, as mentioned in the report.

A sentence in a report, "March exports climb 27.6%" (Business, April 14, 2017) said: "This resulted in a trade deficit of \$105.7 billion in FY17, wider than \$118.7 billion in FY16." It should have been "narrower than..."

It is the policy of The Hindu to correct significant errors as soon as possible. Please specify the edition (place of publication), date and page. The Readers' Editor's office can be contacted by Telephone: +91-44-28418297/28576300 (11 a.m. to 5 p.m., Monday to Friday); Fax: +91-44-28552963; E-mail: readerseditor@thehindu.co.in; Mail: Readers' Editor, The Hindu, Kasturji Buildings, 859 & 860 Anna Salai, Chennai 600 002, India. All communication must carry the full postal address and telephone number. No personal visits. The Terms of Reference for the Readers' Editor are on www.thehindu.com

The strange case of Kulbhushan Jadhav

Perhaps the backdrop explains the dynamics at play more than just details of his incarceration



K.C. SINGH

The military trial and summary sentencing to death of Kulbhushan Jadhav in Pakistan, with the Indian High Commission denied consular access to him, has plunged India-Pakistan relations into a crisis again. Mr. Jadhav is not the first Indian to be caught and sentenced as a spy by Pakistan, but the first retired middle-level naval officer. The context and background of this need examination.

A diplomatic leap in the dark

The current cycle of bilateral engagement and acrimony runs from the dramatic visit by Prime Minister Narendra Modi to Lahore on Christmas in 2015. The occasion was Pakistan Prime Minister Nawaz Sharif's granddaughter's wedding, but really it was a diplomatic leap in the dark. As in the past, beginning with Prime Minister Atal Bihari Vajpayee's Lahore bus journey, theatrical moves rattle anti-India forces in the Pakistani military and jihadi organisations, who then unleash retributive terrorist acts. Within a week of Mr. Modi and Mr. Sharif socialising, the Pathankot airbase was attacked. Tragically, within days of that, Mufti Mohammad Sayeed, the Chief Minister of Jammu and Kashmir, who headed the Peoples Democratic Party's alliance with the Bharatiya Janata Party, died. The stage was set for instability in the Kashmir Valley.

While Mufti sahib's daughter Mehbooba Mufti dithered for nearly three months whether or not to succeed her father, the situation in Pakistan was drifting too. Prime Minister Sharif, marginalised by his namesake, the Pakistani Army chief, undermined by the Panama Papers revelations and suffering from heart trouble, left for the U.K. for medical treatment in April 2016. He returned to Pakistan in July. By then, Ms. Mufti had barely been in office when Burhan Wani, a self-styled commander of the Hizbul Mujahideen, was killed, inflaming an already restive Valley. From that point onwards, Indo-Pak relations slid downwards. Kulbhushan Jadhav alias Hussein Mubarak Patel was arrested by



On a downward path: "The current cycle of bilateral engagement and acrimony runs from the dramatic visit by Prime Minister Narendra Modi to Lahore on Christmas in 2015." The two leaders on that visit. •PTI

Pakistan in March 2016, allegedly in Balochistan, for espionage and abetting terror. This was a windfall for Pakistan as since the 2008 Mumbai attacks and the confessions of Pakistan-born American operative David Headley, it had been seeking moral equivalence by alleging complicity of India's external intelligence agency, the Research and Analysis Wing (R&AW), in almost every major attack, particularly by the renegade Tehreek-e-Taliban Pakistan. In fact, the joint statement of Prime Ministers Manmohan Singh and Yousaf Raza Gilani at Sharm el-Sheikh in 2009 was widely condemned in India for unnecessarily allowing Pakistan to introduce Balochistan in the statement to discuss an alleged Indian hand in the Baloch uprising.

Gaps in stories

There is the usual Indo-Pak disagreement over facts. India claims Mr. Jadhav was conducting business out of Chabahar, Iran, for many years after retiring from the Navy, and that he has been abducted by Pakistani state or non-state actors from within Iran. The fact that despite specific provisions in the Vienna Convention on Consular Relations, India was denied access to Mr. Jadhav only confirms that Pakistan does not want the truth to be revealed about the place and manner of arrest. India also argues that spies and operatives are

not sent carrying their own passports. On the other hand, it is unclear why Mr. Jadhav was operating under a Muslim name, and if he did convert, why the government keeps referring to him by his earlier name. India has not challenged the authenticity of his passport, implying that it was not obtained by fraud or faked by Pakistan. With the debate in India now enveloped in jingoism, such lacunae in stories paraded by both sides are beyond examination.

The truth may never be known, but "Doval-isation" of India's approach to Pakistan has been obvious for some time. Prime Minister Modi's espousal of the cause of Balochis and the residents of Gilgit from the ramparts of the Red Fort on August 15, 2016 only confirmed Pakistani fears that India abets terror and secession in Pakistan. However, recent signals from Pakistan via Track II events were that the new Army chief, Gen. Qamar Javed Bajwa, wanted to reorient his Army's approach towards India and would endorse the civilian government's lead in crafting its India policy. He was apparently getting a pushback from entrenched interests raised on India baiting. There were unconfirmed reports that National Security Adviser Ajit Doval had spoken to his Pakistani counterpart to acknowledge the signal and create an environment for resuming political contact. Why then did Pakistan

change tack and with sudden alacrity, devoid of transparency, sentence Mr. Jadhav?

One trigger could have been the disappearance of an ex-ISI Pakistani military officer in Nepal. Another may be a desire to stoke further unrest in the Kashmir Valley. It could also be some re-balancing between the civilian and military authorities as Prime Minister Sharif awaits court judgement on the Panama Papers charges. At any rate, Pakistan has succeeded in capturing media space and the Indian government's attention and thus mainstreaming its grievances even as a new U.S. president shapes his foreign policy.

The Indian opposition has adopted a jingoistic pitch to entrap a government mixing politics, religion and nationalism. If assurances in Parliament are that the government will do "all" in its power to rescue Mr. Jadhav, either it is confident of a Cold War-style exchange of spies, provided they have managed to secure the asset that went missing from Nepal, or it is upping the ante hoping that Pakistan will not want to escalate tensions further.

India's perception of Pakistan

India misperceives Pakistan, as the 19th century French statesman Talleyrand said the world did Russia, as it is neither as strong as it seems nor as weak as we think. For instance, it is not isolated, as policymakers in South Block assume. Pakistan would have seen rising Chinese rhetoric over the Dalai Lama's visit to Tawang. It also would read U.S. President Donald Trump's intervention in Syria and the dropping of the 'mother of all bombs' in Afghanistan as the U.S. returning to business as usual and restoring the primacy of its Sunni allies, i.e. Turkey, Saudi Arabia, plus the Gulf Cooperation Council, Pakistan, and Egypt. Pakistan is familiar with the generals now ruling the roost after White House chief strategist Stephen Bannon's fall.

A Sino-Pak alliance now fed by China's open hostility and not countered by the U.S.'s words of restraint may entrap India into a regional morass. Many assumptions on which the Modi government has functioned in diplomacy are being rewritten. The challenge is to steer India through this maze with more than jingoism, theatre, and domestic electoral needs.

K.C. Singh is a former diplomat.

Publishers' dilemma

A U.S. study on the influence of social media platforms and technology companies has a bearing on Indian journalism



A.S. PANNEERSELVAM

It seems as though I have been residing in a world of dilemmas for the last couple of months. The last column of March, "A journalist's dilemma" (March 27, 2017) dealt with a question that constantly haunts a reporter: is being neutral an insensitive act? I explored the line that divides overreach and remit in the last column, "The text, the texture and the grain" (April 10, 2017). The latest study by Emily Bell and Taylor Owen, 'The Platform Press: How Silicon Valley reengineered journalism', is about the dilemma confronting publishers of news organisations in dealing with the increasing power of technology companies. Though the study is on American journalism, the findings have a bearing on the Indian scenario. One of the reasons for sharing this study, which is essentially for the news publishing community, is that the news media industry is a common good and its sustainability is everyone's business.

Usurping the role of publisher

Emily Bell, Director of the Tow Center for Digital Journalism, and Taylor Owen, assistant professor of Digital Media and Global Affairs at the University of British Columbia, contend that the influence of social media platforms and technology companies is having a greater effect on American journalism than even the shift from print to digital. They document the rapid takeover of the roles of traditional publishers by companies including Facebook, Snapchat, Google, and Twitter. They look at serious questions regarding how the costs of journalism will be supported in this new context. They also establish the power of technology companies in controlling what audiences see, who gets paid for their attention, and the format and type of journalism that flourishes.

The study traces the convergence between technology companies, especially platform companies, and journalism over the last two decades. Ms. Bell and Mr. Owen assert that there were three major shifts in business and distribution models: the move from analog to digital, the rise of the social Web, and the dominance of mobile. In their assessment, if the speed of convergence continues, "more news organisations are likely to cease publishing – distributing, hosting, and monetising – as a core activity".

Ms. Bell and Mr. Owen are not too impressed by the idea of reflection in platform companies following the 2016 'fake news' revelations and their impact on electoral out-

comes. They establish how this exclusive focus on 'fake news' distracts from the larger issue – "that the structure and the economics of social platforms incentivise the spread of low-quality content over high-quality material". They argue: "Journalism with high civic value – journalism that investigates power, or reaches underserved and local communities – is discriminated against by a system that favours scale and shareability."

Impacts of opaqueness

The growing technology-led opaqueness has a debilitating impact not only on news, journalistic practices, and the economics of the news industry, but also on the democratic polity itself. Ms. Bell and Mr. Owen list some of the critical dilemmas of publishers: "Should they continue the costly business of maintaining their own publishing infrastructure, with smaller audiences but complete control over revenue, brand, and audience data? Or, should they cede control over user data and advertising in exchange for the significant audience growth offered by Facebook or other platforms?"



The most paradoxical question that emerges from the study is this: "While news might reach more people than ever before, for the first time, the audience has no way of knowing how or why it reaches them, how data collected about them is used, or how their online behaviour is being manipulated. And publishers are producing more content than ever, without knowing who it is reaching or how – they are at the mercy of the algorithm." The report cites a Pew study that said more than 65% of all digital advertising revenue goes to Verizon, Twitter, Yahoo, Google, and Facebook. While the authors of the research are aware of issues like fake news, filter bubbles, a "post-truth" society, and the decline of trust in the media, they are certain that all these issues are "proxies for the fundamental question of how our world of news and information has been upended by technological change."

While it is for publishers to decide how much control they wish to cede to platform firms to reach more readers, it is for readers to realise that quality journalism costs money and they have a role in defraying the cost of producing credible information.

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SINGLE FILE

A glacial fight

While India and Pakistan have been unable to resolve the Siachen dispute, the new enemy is global warming

DINAKAR PERI



It is 33 years since humanity established a permanent presence on the snow-clad Siachen glacier and converted the 'land of roses' into the world's highest battlefield.

On April 13, 1984, India launched Operation Meghdoot to capture the 76.4 km-long glacier on the Saltoro ridge, narrowly thwarting Pakistan's own attempts in the process. A platoon of 4 Kumaon led by then Captain Sanjay Kulkarni planted the Indian flag at Bilafond La. The operation continues till date, making it the longest continuing one of its kind in the world. But the guns on the glacier have fallen silent following the 2003 ceasefire along the Line of Control (LoC) and the Actual Ground Position Line (AGPL) across the Siachen. The LoC has flared up intermittently, but ceasefire along the AGPL has held since.

Siachen is a legacy of Partition. While the LoC was delineated and accepted by India and Pakistan up to point NJ9842, the glacier was left unmarked. India claims the area based on the Jammu and Kashmir Instrument of Accession (1947) and the Karachi Agreement of 1949, which define the ceasefire line beyond NJ9842 as "running Northwards to the glaciers".

Demilitarising Siachen

Siachen is often referred to as a low-hanging fruit, an issue to be sorted out by both sides before addressing the Kashmir question. However, it may not be that simple for historical, operational and practical reasons.

Pakistan's calls in the recent past for demilitarising Siachen stem from a position of desperation to save the lives of its soldiers from the extreme conditions there, while at the same time continuing cross-border terrorism along the LoC.

India has shown willingness for demilitarisation conditional on first authenticating the 110-km AGPL, which is the current position on the glacier. But Pakistan refuses, which means that once India vacates the posts, Pakistan may try to occupy them. India currently has the advantage of height as it commands higher ground, and any demilitarisation without proper delineation and acceptance of the current positions would be disastrous. Retaking once-occupied peaks is near impossible. Pakistan made several unsuccessful attempts at retaking the posts till 2003. In July 1998, the then Defence Minister George Fernandes said, "India needs to hold on to Siachen both for strategic reasons and wider security in the region."

The biggest enemy on the glacier has always been the weather. The Indian Army, which holds the highest posts at heights of 21,000 ft, has learnt to adapt and now has a well-oiled system in place. However, the series of recent untimely avalanches on the glacier and the resultant spikes in casualties show that the challenge of changing weather patterns is new.

As status quo continues amidst attempts at demilitarisation, the pressing concern is tackling the changing weather patterns. Some studies have been initiated to assess the rate of glacier melt, and the Army is re-assessing the vulnerable posts in an attempt to shift some of them. These need to be accelerated and technology infused to save the soldier.



CONCEPTUAL

Duverger's Law

POLITICAL SCIENCE

Duverger's Law holds that simple majority electoral systems, where the highest vote getter is the winner (such as the first-past-the-post method as is practised in India), tend to become two-party systems. A relative exception to this rule is India. Here, the party system is quite diverse. But the increasing tendency of parties to be part of two opposing and large coalitions has functionally brought India's case closer to Duverger's Law. States like Uttar Pradesh and Bihar used to buck the trend with a high number of effective political parties, but even these, especially Bihar, have moved closer to becoming a two-coalition system.

MORE ON THE WEB

Data point video:
On thin ice

<http://bit.ly/decreasingseice>

SHELF HELP

Nationalism then and now

On the difference between Indian and Hindu nationalism

G. SAMPATH

Indian nationalism and Hindu nationalism are two different things. While the former is unconcerned with a person's religious or cultural identity, the latter imagines the nation as an exclusive community of Hindus. From the time of Independence till now, this distinction has never been in doubt. But today there is a move by flag-bearers of Hindu nationalism to equate it with Indian nationalism. What exactly is the provenance of these two nationalist ideologies? Who were their earliest proponents? What role did either play in India's freedom struggle? These are some of the questions that author and dramatist Shamsul Islam dwells on in *Hindu Nationalism and Rashtriya Swayamsevak Sangh*, a fine primer on the history and dynamics of Hindu nationalism. Islam cites extensively from the works of histori-

ans and thinkers who themselves are part of the Hindu nationalist canon, such as R.C. Majumdar and V.D. Savarkar, to interrogate many of its claims. For instance, he shows how Majumdar contradicts the Hindu nationalist claim of India being a 'primordial nation', given the historian's observation that the idea of India "had no application to actual politics till the sixties or the seventies of the nineteenth century."

Indian nationalism was born in opposition to British colonial oppression. Its most significant moment of resistance was the 1857 mutiny, in which Hindus and Muslims battled together against foreign rule. Islam cites Thomas Lowe, a British army commander, who observed that "the cow-killer and the pig-hater and the pig-eater" fought together. But this nascent Indian nationalism that was composite in nature under-

went a process of bifurcation in the "third quarter of the nineteenth century", notes Islam. Two things played a role in this: a 'divide and rule' policy adopted by the British, and the bickering between the elites of the two communities "for securing a favourable place in the eyes of the victor". Together they created a "scenario in which only competitive Hindu and Muslim varieties of nationalism could flourish."

Islam's book also raises interesting questions: If Indian civilisation is more than 3,500 years old, why is it that only a period of 500 years (the period of so-called Muslim rule) is closely scrutinised by Hindu nationalists? What about the period before?

It might be interesting to read Islam's book alongside his primary sources: V.D. Savarkar's *The Indian War of Independence of 1857* and R.C. Majumdar's *Three Phases of India's Struggle for Freedom*.

FROM The Hindu ARCHIVES

FIFTY YEARS AGO APRIL 17, 1967

Separate register for Indians in Ceylon

The question of a separate electoral register for registered citizens of Indian origin is sought to be raised again through a motion in the Senate (Upper House) by Senator Mr. A. Dassanayake of the Sri Lanka Freedom Party. This is contrary to the indications given by members of the Party in the Lower House (House of Representatives) during the discussion on the Indo-Ceylon Agreement (implementation) Bill that their Party would not insist on this proposal. Senator Dassanayake in his motion, which appears on the order paper of the Senate, seeks the approval of the Senate to his view that "the name of every Indian who has already received and will henceforth receive Ceylon citizenship by registration should be expunged from the National Electoral Register and the names of such Indians who are citizens of Ceylon by registration should be entered in a separate Ceylon-Indian electoral list." His motion also suggests amendment of the Constitution to provide for representation of such people in the two chambers of the Ceylon Parliament.

A HUNDRED YEARS AGO APRIL 17, 1917

Cochin notes: two lectures

Mr. C.P. Ramaswami Iyer, the well-known High Court Vakil and the President-elect of the next Malabar District Conference, had been in Cochin last week in connection with the Kunnamkulam Church case in the Trichur District Court. At Ernakulam where he appeared before the Chief Court to take out sanad, he delivered a lecture on 'Literature and Society' under the auspices of the Ernakulam Literary Union whose members organised the meeting under the presidency of the Chief Judge, Mr. T.S. Narayana Iyer M.A., B.L. Last Wednesday, another speech was delivered by Mr. Ramaswami Iyer in the C.M.S. School Hall, Trichur, on behalf of the local Gokhale Literary Society, the subject of the lecture being 'Charity, Ancient and Modern'. It need hardly be stated that the two lectures were largely attended and highly appreciated by the audience.

DATA POINT

Borderland violence

Since 2015, the number of incidents involving terrorists and security forces on the Indo-Pak border is quite stark, while the Indo-Myanmar border has also seen a number of arrests and casualties

| Incidents | Indo-Pak* | Indo-Myanmar# | Indo-Bangladesh^ |
|-------------------------------|-----------|---------------|------------------|
| Number of encounters | 191 | 206 | 12 |
| Security personnel killed | 120 | 18 | 11 |
| Terrorists killed | 291 | 32 | 7 |
| Terrorists/ suspects arrested | 166 | 337 | 11 |

* Includes border areas in J&K and Punjab

Includes border areas in Arunachal Pradesh, Nagaland, Manipur and Mizoram

^ Includes border areas in Assam, Meghalaya and Tripura

SOURCE: MINISTRY OF HOME AFFAIRS