



The terrorist tag

India needs tough laws to combat terror, but the proposed amendments could be misused

The idea of designating an individual as a terrorist, as the latest amendments to the Unlawful Activities (Prevention) Act propose to do, may appear innocuous. However, designating an individual as a terrorist raises serious constitutional questions and has the potential for misuse. The practice of designating individuals under anti-terrorism laws, prevalent in several countries, is seen as being necessary because banned groups tend to change their names and continue to operate. However, there is no set procedure for designating an individual a terrorist. Parliament must consider whether an individual can be called a ‘terrorist’ prior to conviction in a court of law. The absence of a judicial determination may render the provision vulnerable to invalidation. There ought to be a distinction between an individual and an organisation, as the former enjoys the right to life and liberty. The likely adverse consequences of a terrorist tag may be worse for individuals than for organisations. Further, individuals may be subjected to arrest and detention; even after obtaining bail from the courts, they may have their travel and movements restricted, besides carrying the taint. This makes it vital that individuals have a faster means of redress than groups. Unfortunately, there is no change in the process of getting an entity removed from the list. Just as any organisation getting the tag, individuals, too, will have to apply to the Centre to get their names removed.

A wrongful designation will cause irreparable damage to a person’s reputation, career and livelihood. Union Home Minister Amit Shah’s warning that his government would not spare terrorists or their sympathisers, and his reference to ‘urban Maoists’, are portentous about the possibility of misuse. It has been argued by some members in Parliament that the Bill contains anti-federal features. The provision to empower the head of the National Investigation Agency to approve the forfeiture of property of those involved in terrorism cases obviously overrides a function of the State government. At present, the approval has to be given by the State police head. Also, there will be a section allowing NIA Inspectors to investigate terrorism cases, as against a Deputy Superintendent of Police or an Assistant Commissioner. This significantly enhances the scope for misuse. The 2004 amendments to the Unlawful Activities (Prevention) Act, 1967, made it a comprehensive anti-terror law that provided for punishing acts of terrorism, as well as for designating groups as ‘terrorist organisations’. Parliament further amended it in 2008 and 2013 to strengthen the legal framework to combat terror. While none will question the need for stringent laws that show ‘zero tolerance’ towards terrorism, the government should be mindful of its obligations to preserve fundamental rights while enacting legislation on the subject.

Boris days

Britain’s new PM should abjure his dangerous brinkmanship in seeing Brexit through

Boris Johnson, Britain’s new Prime Minister, has achieved one of his life’s ambitions. His defiant speech at Downing Street on Wednesday, pledging a “no ifs, no buts” exit from the European Union before October 31, is clear indication that he will pursue a hard Brexit. “Doubters, doomsters and gloomsters,” would be defeated, he declared in characteristic style. Several ministers from the previous government, who have either resigned or have been dropped, are all presumably among them. Conversely, the induction of several eurosceptics, most notably Jacob Rees-Mogg from the European Research Group, leaves no doubt that the Johnson team is nothing if not a Brexit cabinet. The other is Dominic Raab who, during the Conservative leadership race, advocated proroguing Parliament to ensure MPs did not stop a no-deal exit. Mr. Johnson’s rhetoric is reminiscent of Theresa May’s uncompromising early stance that no deal was better than a bad deal. While she was forced to back down from several unrealistic positions, Mr. Johnson’s place in Downing Street is far more precarious than her’s. His majority in the House of Commons could drop to just two seats if, as the polls forecast, the Tories lose the by-election in August. This arithmetic is crucial in what is a sharply polarised Parliament now. Party hardliners have threatened to vote out the government if the exit deadline was breached for a third time. With Brussels ruling out a renegotiation of the withdrawal agreement, the chances of leaving on October 31 seem remote.

Mr. Johnson has for too long painted the other 27 nations in the bloc as hostile adversaries that have undermined Britain’s sovereignty. He has paid scant regard to mounting evidence, most recently from the International Monetary Fund, of the crippling economic impact of Britain leaving the union. Mr. Johnson has even dismissed the risks to the integrity of the Good Friday agreement between the U.K. and Ireland, in the absence of the prevailing soft borders connecting Dublin and Belfast. But as Prime Minister he can ill-afford to indulge the populist instincts of the narrow nationalists among the Conservatives. Instead, he must reckon with the real and grave consequences for the nation and even his party, of abruptly walking out on London’s closest partners. The contradictions of that approach were laid bare this week in London’s bid to coordinate with Brussels to protect European commercial shipping in West Asia. Clearly, London’s interests lie in redoubling efforts to resurrect the multilateral order that U.S. President Donald Trump seems so keen to undo. The special relationship between the principal trans-Atlantic partners is nothing if it did not encompass a more universal vision. Mr. Johnson must abjure his dangerous brinkmanship. That would be in Britain’s interest.

In white nation talk, the voice of the Squad

How the Democratic Party positions itself in the poll run-up cuts to the very heart of its identity and America’s future



SANKARAN KRISHNA

For the first time in over 100 years, the U.S. House of Representatives passed a non-binding resolution on July 16 condemning the President of the United States, Donald Trump. Just days earlier he had tweeted that if four Democratic Congresswomen did not like the state of affairs in the U.S., they could “go back” to the countries they came from, countries whose governments were “a complete and total catastrophe, the worst, most corrupt and inept anywhere in the world.” He went on to tweet, “Why don’t they go back and help fix the totally broken and crime infested places from where they came. Then come back and show us how it is done.”

Vote and politics

All four Congresswomen [they have given themselves the nickname, the “Squad”] are persons of colour; three of them (Rashida Tlaib, D-Michigan; Ayanna Pressley, D-Massachusetts; Alexandria Ocasio-Cortez, D-New York) were born in the U.S., and the fourth (Ilhan Omar, D-Minnesota) was a refugee from Somalia and a naturalised U.S. citizen. The resolution “strongly condemns President Donald Trump’s racist comments that have legitimized and increased fear and hatred of new Americans and people of color by saying that our fellow Americans who are immigrants ... should “go back” to other countries, by referring to immigrants and asylum seekers as “invaders,” and by saying that Members of Congress who

are immigrants ... do not belong in Congress or in the United States of America.”

The vote condemning the President (240 Democrats for, 187 Republicans against) was overwhelmingly along party lines. The Democrats were a united bloc and only four Republicans (one black Congressman from Texas, two others possibly either retiring or not seeking re-election, and the fourth a naturalised citizen of Polish origin) and the sole independent in the House (a Michigan Congressman forced out of the Grand Old Party, or GOP, for his opposition to Mr. Trump) joined them.

Leader, party and vision

In publicly telling these Congresswomen to “go back”, Mr. Trump was explicitly saying the U.S. was a white nation in which coloured people and racial minorities irrespective of their citizenship status, place of birth, or length of residence, did not belong. And in refusing to join the Democrats in supporting the resolution, the GOP was clearly on board with his vision of a white nation. In the 1990s, faced with the demographic reality that the U.S. would in course of time become a white-minority nation, sections of the GOP had sought to broaden its appeal to Hispanics, Asian-Americans, middle-class Blacks, and other minorities. With the rise of a nativist and white supremacist fringe (epitomised by the Tea Party) the GOP has decided it can dispense with minorities.

Between gerrymandering constituencies, preventing minorities from voting through myriad restrictions, and legalising all this through increasing control over both the judiciary and various state legislatures, the GOP has anchored itself firmly in a white nation. Mr. Trump is both a symptom of this process and its great accel-



erator. Far from being an aberration or outlier in the U.S. political landscape, he epitomises a considerable section of it only too well.

Mr. Trump was reportedly delighted at the display of Democratic unity on the resolution condemning him for his comments on the Congresswomen. It played fully into his hands for next year’s Presidential elections wherein he would position himself as the candidate of a white nation under threat from a rising tide of minorities, immigrants, and various other un-American ‘outsiders’ living off government handouts and crime. The sight of House majority leader, Nancy Pelosi, standing shoulder-to-shoulder with the four coloured Congresswomen was precisely the sort of photo-opportunity that was dynamite as far as Mr. Trump was concerned. (The weeks prior to this show of unity had been marked by bitter differences between the centrist Pelosi and the more progressive Congresswomen on issues such as socialised health care, immigration reform, border control, and Israel-Palestine, to mention the most prominent).

Poll-centric theme

It is obvious that Mr. Trump intends to make the upcoming Presidential elections a contest about race, and paint the Democratic party as beholden to unpatriotic,

radical socialist, non-white minorities.

How the Democratic party positions itself *vis-à-vis* Mr. Trump’s idea of a white nation cuts to the very heart of its own identity and the nation’s future. There is the temptation to seek an increasingly evanescent middle ground through the candidacy of someone such as Joe Biden. With a track record that includes opposition to busing early in his career; shepherding draconian anti-minority laws through Congress (by securing the bipartisan support of southern racists, no less) on the pretext of getting “tough on crime”; serving as Vice President to Barack Obama as the latter consolidated an unprecedented carceral state (with 5% of the world’s population, the U.S. is home to around 25% of the world’s prison population); and as a white male, Mr. Biden might cut into Mr. Trump’s core constituency of angry whites threatened by a loss of privilege. Yet, for those same reasons he is unlikely to make any headway with the young, with minorities, and those who have stayed away from the polls in the post-Obama period. There is the added danger that the “Trump Democrats” in the rust-belt may prefer the unvarnished bigotry of their man to the triangulated message of a Biden.

With their more progressive and articulate economic agenda, the likes of Elizabeth Warren, Bernie Sanders or Kamala Harris are likely to offer a much better prospect for the Democrats. If a hide-bound party leadership does not stymie their chances (as it did with Mr. Sanders for the nomination the last time around), a ticket comprising two such leaders might offer the best bet. Yet, the obstacles are likely formidable. Precisely because of their accomplishments, intellect and articulateness, Ms.

Warren and Ms. Harris are likely to evoke the sort of misogyny that clearly contributed to Hillary Clinton’s defeat, while Mr. Sanders’ avowal of social democracy often bafflingly alienates many underclass people who need it most. That his socialism is seen as a problem while Mr. Trump’s practically treasonous and utterly pusillanimous relations with Russia’s President Vladimir Putin does not deflect his followers simply beggars belief.

A thread of hatred

More importantly, as with a host of other countries (India, Turkey, the United Kingdom, the Philippines, Brazil – to mention only a few) right-wing strongmen and their supporters riding on a cocktail of racist, casteist, majoritarian and misogynistic ideologies seem to be winning everywhere. A visceral politics of hatred for racial minorities and other putative outsiders, energised by social media resonance machines we still poorly understand, has returned incumbent regimes that would have been swept out of power in times past. It may not matter what the Democrats do and Mr. Trump may yet be re-elected. But in confronting his racism and misogyny, in making a forceful case for progressive taxation, for reforming a dysfunctional health-care system, in bringing the U.S. back into conformity with international law on asylum seekers, and in derailing the endless war machine that it has become, whoever wins the Democratic nomination would be well advised to listen to the four minority Congresswomen: they represent the future, however cloudy that may seem at this moment in time. And it would be the right thing to do.

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The minutiae of Trump’s mediation claim

Governments pursue their national interests single-mindedly without allowing sentiment to influence their judgment



CHINMAYA R. GHAREKHAN

U.S. President Donald Trump’s claim on Monday, during a press conference with Pakistan’s Prime Minister Imran Khan in Washington, that Prime Minister Narendra Modi had told him at the G-20 summit in Japan in June, in so many words, that he wanted the American President’s help, either through mediation or arbitration, in resolving the Kashmir dispute is a claim that has understandably raised hackles in India and jubilation in Pakistan. The Indian External Affairs Minister has denied that Mr. Modi had made any such request to Mr. Trump.

The Opposition is not satisfied with the Minister’s denial and wants Mr. Modi personally to clarify the situation, which he seems reluctant to do; it is very difficult for the Prime Minister to call Mr. Trump a liar because that in effect is what he would be saying if he contested the latter’s claim.

It hardly needs stating that Mr. Modi did not make any such request to Mr. Trump. The President’s love for truthfulness in his own country is suspect. It is entirely possible that he thought of making such a statement, which he must have known was not true, to

please his guest; perhaps he was confident that he would be able to placate the Indian leader on some subsequent occasion, by for example, extending the deadline for reducing import of Iranian oil to zero.

The bottom line

The main lesson for us in India in all this is not that we cannot trust the American President – we should not trust any foreign leader in such matters. It is an object lesson how other governments pursue their national interests single-mindedly without allowing sentiment to influence their judgment. At this point in time, the U.S. is desperate for Pakistan’s help in ‘extricating’ the American military from Afghanistan.

The use of the word ‘extricate’ was most suggestive; it indicates that the U.S. feels itself in a quagmire in that unfortunate country and is eager to pull out with some face-saving formula. Mr. Trump is thinking only of his country’s interest; he is not bothered about India’s reaction. If India feels offended, so be it. He knows that Pakistan is the only country with clout with the Taliban that can help him in reaching this objective. If Pakistan does manage to persuade the Taliban to engage in direct talks with the Afghan government, it can expect substantial dividends from Mr. Trump – beyond the \$1.3 billion that was mentioned at the presser.

Imran Khan too has played his cards well. He did not allow him-



self to act hurt or annoyed at Mr. Trump’s pungent criticism of Pakistan’s ‘lying and cheating’ just days before his visit. On the other hand, he took some steps, including lifting the ban on overflights through Pakistan’s airspace to create an impression of reasonableness in time for his Washington visit.

We Indians do not take kindly to such strong words from foreign leaders. We feel hurt and show our hurt publicly. In the old days, what Mr. Trump said would have led to demonstrations in front of the American embassy. We also get carried away by flattery. As they say, even god loves flattery, but governments cannot afford to take praise at face value. Thus, our ego gets inflated when we are told that India has a major role to play in the Indo-Pacific.

The concept of the Indo-Pacific is nothing but containment of China by another name. The Japanese Prime Minister takes credit for coining the phrase, suggesting that the name implies the importance of India in this region. He has his own problems with China, and Japan is a close ally of America. The two no doubt work closely with

each other and coordinate their actions in this area. But India has its own interests and concerns about China which are not shared by others. All ‘strategic’ experts are of one view, namely, in the event of a major crisis with China, we shall have to depend solely on ourselves; no other country will come to our help in any meaningful way. This calls for a certain amount of distancing ourselves from the game that other powers are playing. Surely, the experts in the government are conscious of these factors, especially now that we have a seasoned diplomat at the helm of Foreign Office.

The ‘K’ word

To come back to Kashmir, we are justified in our position that there can be no talks with Pakistan unless and until Islamabad effectively stops cross-border terrorism emanating from its territory. The question is: does either country really want to resolve the issue? It is not enough for either country to say that it wants to solve the problem.

When Pakistan says this, it means withdrawal of all Indian forces from the whole of Jammu and Kashmir, followed by a referendum. When India says it wants to resolve the problem, it means the vacation by Pakistan of its presence from the whole of Jammu and Kashmir. Pakistan’s interpretation of the UN resolution is patently wrong; the resolution calls for withdrawal of all forces under Pakistan’s control first. But it has managed to create a narrative of

self-determination for the Kashmiri people which is largely swallowed by other countries.

It makes sense for the Pakistan military not being keen on resolving the conflict, because it will lose its relevance and pre-eminent position in society once the Kashmir problem is out of the way. Surely that is not the case with the Indian military. India’s military is highly disciplined and apolitical and will follow whatever the civilian government decides.

If each country wants to solve the problem only on its terms, it will never be solved. In any negotiation, both sides have to compromise, which means neither side will get all it demands. The only realistic and practical way out is the conversion of the Line of Control into an international boundary, with suitable, minor adjustments.

We did make this offer during the Bhutto-Swaran Singh talks in 1962-63. We even offered an extra 1,500 sq.km to Pakistan, but the latter wanted the whole State, except for the district of Kathua. It is obvious that neither country has the political courage or the mandate to officially put forward this proposal now or ever. Thus, the issue will not be solved bilaterally and will remain with us for a long, long time. And some might say ‘so be it’.

Chinmaya R. Gharekhan, a former Indian Ambassador to the United Nations, was Special Envoy for West Asia in the Manmohan Singh government

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.

Panel scrutiny

The demand by Opposition leaders that the government must refer seven key Bills, which include the Unlawful Activities (Prevention) Amendment Bill, 2019, the Right to Information (Amendment) Bill, 2019, and the DNA Technology (Use and Application) Regulation Bill 2019, for further scrutiny by a Select Committee of Parliament is reasonable and justified (Page 1, July 25). The government should not bulldoze things merely because it has a political majority. The essence of democracy is debate and discussion. The system of select committees is fully utilised in the Westminster system of parliamentary democracies. Since the

committee comprises both ruling and Opposition members there can be discussions at leisure. The services of experts can also be used. In the past, several useful suggestions have been offered by Opposition members, incorporated before the Bill was tabled. This way, precious time in Parliament can be saved.

S.V. VENKATKRISHNAN, Bengaluru

Population curbs

India is a democracy and cannot afford to pursue an authoritarian policy on population control (Editorial page, “Having the last word on ‘population control’,” July 25). However, I feel India’s demographic dividend can be utilised only if the population growth does not outpace

the growth of infrastructure. On the contrary, such growth will only add to the burden as far as public health and education are concerned and result in greater unemployment. Economic growth will be unequal too.

DIVYA SHARMA, Dehradun, Uttarakhand

■ A prominent feature of population control in India is that it has been achieved without coercive measures, examples of these measures being the Emergency phase or the rigorous norm of one-child per couple in China in the past. Voluntary efforts have been engendered by the spread of education as shown by the best total fertility rate (TFR) results in Kerala. Besides, greater awakening about the

importance of small family among the poor seems to be growing. However, we do need to bring down the total fertility rate (TFR) even further, from 2.2. For this, education, health care and infrastructure have to be in tandem. There needs to be better awareness, quality education and more incentives for adhering to a small family.

Y.G. CHOUSEV, Pune

■ Pockets of Indians across all religious denominations and economic brackets have been deriving direct and palpable benefits by adopting ‘small family norms’, as seen in terms of overall prosperity, quality of life and better rankings in the social indices of these nuclear units. But population

as an asset is not a theory that India can afford to buy. It may not be an exaggeration that all the progress achieved in the 70 years of Independence has been overshadowed by an unbridled population explosion. We do not need a rocket scientist to tell us that excess population is India’s bane. Let us not fight shy of the truth.

SIVAMANI VASUDEVAN, Chennai

Other sources of power
Amidst the acute water crisis India is facing in many parts,

it is inevitable that all of us should be vigilant about the judicious use of water (OpEd, “Making the water-guzzling thermal plants accountable”, July 24). Thermal power has its place but the focus must be towards non-conventional sources of energy production. Tidal energy is one such source that has not been tapped in full. Solar energy too needs huge funding in technological research.

DANISH UMAR, New Delhi

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CORRECTIONS & CLARIFICATIONS:

In the Sports page story titled “Melissa Tapper – making the most of her disadvantage” (July 22, 2019) both the photo caption and the text erroneously said: “Born with *brachial plexus* – which means the nerves between her right neck and shoulder were torn apart...” This should be corrected to read *brachial plexus injury*.

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