



Poll position

There are meaningful electoral reforms beyond simultaneous elections

It is perhaps no surprise that political parties are deeply divided over the idea of holding simultaneous elections for the Lok Sabha and the State Assemblies. During consultations initiated by the Law Commission of India, nine parties opposed it, arguing that it went against the constitutional fabric and that it would be impractical. Four parties backed the concept. The BJP has sought time for a detailed response, though it is Prime Minister Narendra Modi who has been advocating the idea. The Congress has now spoken out against the proposal. In principle, there are obvious advantages to the ‘one nation, one election’ idea – election expenditure will be drastically cut and ruling dispensations will be able to focus on legislation and governance rather than having to be in campaign mode forever. However, as many of the naysayers have pointed out, the idea is fraught with practical difficulties. Also, some parties fear that a simultaneous poll, particularly in this era where news is easily and widely disseminated, will privilege national issues over regional ones even if, arguably, the reverse may happen too. The issue is that synchronisation would involve curtailment or extension of the tenure of a House – the legal propriety of which is questionable.

The key proposal is that Assemblies be bunched into two categories based on whether their terms end close to the 2019 or the 2024 Lok Sabha elections. Elections could be held for one group in 2019, and for another in 2024 so that subsequent elections could be synchronised. Or, polls could be held for one group along with the 2019 election, and for the rest 30 months later, so that there is a round of elections every two and a half years. An attempt at solving the problem of regimes falling due to lack of majority is the proposal for a ‘constructive vote of no-confidence’. This means that when passing a motion expressing lack of trust in a regime, legislators must necessarily propose an alternative. If a mid-term election has to be held, the term of such a House would only be for the remainder of its tenure. These two recommendations may partially address the question raised by the DMK on whether all Assemblies would be dissolved too if the Lok Sabha has to be prematurely dissolved. However, it is unclear if it will be palatable for all parties to invest their time and resources in an election that would win them only a curtailed term. Allowing a one-time waiver of the anti-defection law to enable the House to elect a leader in the event of a hung House is another proposal. However, these reforms can be adopted even without simultaneous elections. Also, there are many pressing reforms needed in the electoral space including curbing the use of black money to fund elections and tackling the staggered manner in which elections are held in many States.

Game at Chequers

A bunch of key resignations have upped the stakes on the British PM’s Brexit plan

British Prime Minister Theresa May is no stranger to controversy and rebellion. After the Cabinet met at her country residence, Chequers, she has found herself, yet again, in the middle of a political upheaval, which could either see her hand strengthened or send her packing from Downing Street. The controversy: while the Cabinet had agreed on a strategy on the kind of Brexit deal it would pursue with the European Union, some of Ms. May’s hardliner Brexit colleagues were unhappy. Brexit Secretary David Davis and his deputy, Steve Baker, resigned, followed by Foreign Secretary Boris Johnson. The Chequers strategy is not a final deal but will form the basis of negotiations with the EU. In pursuing a soft Brexit and insisting that the time for intra-party bickering was over, Ms. May has mitigated some of the economic damage from Brexit. The policy calls for a U.K.-EU free trade area in goods and agri-products based on a “common rulebook”, with the U.K. harmonising its tariffs with the EU in these sectors. The government said it would seek flexibility with regard to trade in services – Britain’s most vital export – and a deal on financial services based on “mutual benefits of integrated markets” and financial stability. This lower level of alignment with EU rules means reduced access to EU markets for the sectors. The Cabinet agreement proposes a “joint institutional framework” to interpret agreements between the U.K. and EU, with U.K. courts implementing the framework in the U.K., and EU courts in the EU. The agreement proposes that U.K.-EU disputes will be settled by joint committees or independent binding arbitration for dispute settlement. Perhaps most controversially, the document says the U.K. would apply EU case law where the common rulebook was concerned. Mr. Johnson, a Brexit-er who nursed prime ministerial ambitions, said this would reduce Britain to the status of a colony, having to comply with rules it did not have a say in formulating.

It is unclear what the spate of resignations means for Ms. May’s tenure as Prime Minister. While the Cabinet proposal has been criticised by high-profile Tories for not having legs, several Brexiters, including Environment Secretary Michael Gove and International Trade Secretary Liam Fox, remain in Ms. May’s Cabinet. On Monday, following Mr. Johnson’s resignation, Ms. May met with Tory backbenchers and appeared to receive their enthusiastic support. As things stand, a vote of no-confidence appears unlikely. But there could also be a fallout from President Donald Trump’s visit to the U.K. this week. Positive news on the future of bilateral trade would give her a boost, but Mr. Trump has suggested he may speak with Mr. Johnson while in the U.K. For the moment, Ms. May’s position looks safe. But all this could change dramatically if more resignations follow.

Deep state, deeper problems

Pakistan has been ill-served with the ‘corruption is the only problem’ oversimplification, as elections beckon



HUSAIN HAQQANI

Whatever their outcome, Pakistan’s general election scheduled for July 25 is unlikely to change four fundamental realities. First, Pakistan’s military-led establishment will continue to wield effective power, drawing strength from allegations of incompetence and corruption against civilian politicians. Second, civilian politicians will continue to justify their incompetence and corruption by invoking the spectre of military intervention in politics. Third, jihadis and other religious extremists will continue to benefit from the unwillingness of the military and the judiciary to target them as well as the temptation of politicians to benefit from their support. Fourth and finally, Pakistan’s international isolation and economic problems, stemming from its ideological direction and mainstreaming of extremism will not end.

The conviction of former Prime Minister Nawaz Sharif by an accountability court last Friday has set the stage for him to portray himself as the latest martyr for democracy. He has argued, as others have done before him, that he is being punished not for corruption but for standing up to Pakistan’s invisible government – the military-intelligence combine that has dominated the country effectively since 1958.

His supporters are willing to ignore the fact that Mr. Sharif’s own political career was launched by the Pakistan Army and the Inter-Services Intelligence (ISI), and the likelihood that allegations of unusual expansion of the Sharif fortune since the family’s advent in

politics are true.

Spotlight on the judiciary

The conduct of Pakistan’s judiciary in the matter has been far from judicious. The Chief Justice of Pakistan, Saqib Nisar, views himself less as an adjudicator in accordance with the law and more as a super policy maker. He has expressed interest in everything – from water scarcity to running of mental hospitals and prisons. He has taken to touring various government facilities and has even created a fund for the construction of dams. The fund will receive public contributions because the Chief Justice knows the exchequer does not have enough money to build the dams he wants built.

None of these actions is part of a Chief Justice’s job description, even after recognising that some judges are more activist than others. Justice Nisar has made his political biases well known and the case against Mr. Sharif proceeded in reverse order. Instead of beginning in a trial court where evidence of his wrongdoing was established beyond reasonable doubt, he was first disqualified by the Supreme Court and then put on trial.

But perceptions and common knowledge of political corruption cannot be a substitute for following legal principles. Elsewhere in the civilised world, the Pakistani practice of accusing someone of criminal conduct first in the highest court and then demanding that they prove their innocence would be deemed grossly unjust. The fact that this happens only in political cases further strengthens the view that politics, not corruption, is at the heart of such ‘prosecutions’.

Moreover, the Supreme Court invited representatives of the Military Intelligence and the ISI to help investigate the money trail for Mr. Sharif’s alleged properties in London. This highly unusual procedure itself casts doubt on the real motives behind the former



REUTERS

Prime Minister’s trial. The military-led prosecutions of politicians, even when their malfeasance is well known, helps the politicians in building their case that their political conduct is the source of their troubles.

Pakistan is, therefore, unable to hold the politically powerful accountable through its politicised judiciary. The cynical view of Pakistani politics would be that three decades ago the deep state advanced Mr. Sharif’s political career while portraying Benazir Bhutto’s spouse, Asif Zardari, as corrupt; now Imran Khan is the ‘chosen one’ while Mr. Sharif’s alleged corruption is being targeted.

Problem with this ‘narrative’

The military, which now refers to itself as ‘the institution’, has helped build a simplified narrative to justify its constant intervention in political matters as well as to explain Pakistan’s myriad problems. According to this narrative, civilian politicians are incompetent and corrupt, which is the only reason the military needs to periodically intervene to set things right. There is no explanation for how politicians would ever learn the art of governance if they are to be constantly corrected by unelected generals and judges.

Another part of ‘the narrative’ is the notion that Pakistan’s dysfunction and periodic economic crises are the result of the massive corruption by civilians. Imran Khan and his supporters have been advancing that simplified narrative.

Rhetoric and reality

By ceding a role at the HRC, a state foregoes a chance at genuine engagement in human rights monitoring



PRIYA PILLAI

The withdrawal of the U.S. from the Human Rights Council (HRC) of the United Nations in June this year sent shock waves through the international community, foreign-policy think-tanks and human rights non-governmental organisations. However, some feel this was the right decision and are now advocating withdrawal by other countries; this includes those in India.

The antecedents and functioning of the much vilified HRC are worth examining. The main criticism against it is that it is made up of states not known for their human rights records; that many are in fact egregious violators of human rights. Current members include Saudi Arabia, the Philippines, Pakistan, and the United Kingdom – a few of the 47 states elected by the General Assembly, based on geographic quotas. So why is the HRC still important despite this crisis? There is much dis-

information and confusion as to the origins of the HRC and its role, so setting the record straight is important.

Integral to rights system

The HRC was established in 2006, as part of the UN’s reform process, replacing the United Nations Commission on Human Rights. Council members are elected by the General Assembly with three-year terms, with a maximum of two consecutive terms. It was to serve as a forum for all states to examine and ‘peer review’ the record on human rights. The ‘Universal Periodic Review’ process, where all states are scrutinised, is currently in its third cycle (2017-2021). No state is exempt from this process, including Security Council members. Politics is unavoidable, with states using the opportunity to highlight the records of other states. However, an overly simplistic reading of the HRC paints this as purely partisan theatre, which is not the entire picture.

What gets lost in all the rhetoric regarding the HRC is the actual track record – the overt manner in which a human rights agenda and the evolution of human rights norms are facilitated – and also less tangible gains from having

such a body composed of states and actually engaging with them. Resolutions adopted have highlighted egregious violations despite efforts to the contrary by some members of the HRC. The situation in Syria, Yemen, Myanmar, and North Korea are but a few. Subject areas that have been the source of much controversy have been addressed at the HRC, including LGBTIQ rights and discrimination on the basis of religion.

The HRC is also a forum to monitor international obligations of a state based on international law that states themselves have undertaken. Engagement on their track record, in defence of rights is critical. This forum for advocacy and scrutiny, with its pitfalls, is an important component of the UN rights system.

Multiple strands

Another aspect overseen by the HRC is the appointment of special rapporteurs – independent mandate holders – on issues including internal displacement, torture, racial discrimination, as well as country specific mandates. In addition, there are distinct international commissions of inquiry and fact-finding missions into particu-



GETTY IMAGES/ISTOCKPHOTO

lar violations. It is also worth pointing out that the role of the Office of the United Nations High Commissioner for Human Rights (OHCHR) is often confused with the HRC. It is a separate institution which presents reports independent of the HRC, the recent report on Kashmir being an example. The conflation of the HRC and the OHCHR is incorrect and confuses their separate mandate and functions. Hence, there are multiple strands in the monitoring functions of human rights by UN institutions, one of which is the HRC. In the promotion of human rights, all these play a critical role.

Coming back to the U.S., the factor that precipitated its withdrawal is the alleged targeting of Israel by the HRC. However, the background to this is also one of

impatience and a failure to stay the course on an important multilateral process – that of HRC reform. Discussions and reform proposals are already in the works, with engagement by states and human rights organisations indicating a consensus building approach. However, while ostensibly committing to reform, the impatience of the current U.S. administration and its disdain for multilateralism has resulted in the impetuous decision to withdraw. By ceding a role at the HRC, a state reduces its ability to influence the agenda, and if it is so inclined, a genuine engagement in the monitoring of human rights. Invoking sovereignty as the basis to disengage is specious at best and malafide at worst.

Ultimately, we are all the poorer for such actions. Not just states but also individuals who are in need of a more robust defence of their rights stand to lose much. It is worth instead contemplating the need to reduce rhetoric and, rather, increase substantive engagement with issues concerning the rights of individuals.

Priya Pillai is an international lawyer, with expertise in human rights and humanitarian issues

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.

Emulate this

The Supreme Court of India’s willingness to go live on camera so that proceedings can be viewed and heard by the public is a landmark decision (“SC says that it is ready to go live, Centre moots a TV channel”, July 10). The Chief Justice of India’s observation that besides enabling litigants to follow proceedings in their cases it would also help them assess their lawyers’ performance, needs to be underscored. The transparency proposed to be thus introduced in the proceedings of the Supreme Court is equally relevant to the Rajya Sabha and the Lok Sabha from where telecasts have been selective. Complete coverage of the proceedings of both Houses will enable us to view the performance of their representatives.

K.R. KRISHNA IYER,
Palakkad, Kerala

‘13? Brilliant’

I would like to share my inexplicable feeling of euphoria after the successful mission to rescue all the 12 boys and their coach trapped in a deep cave in Thailand cave. It is ‘mission unparalleled’ and a victory for science, courage, sacrifice, humanism and prayers. There is no doubt that that the world will be rejoicing over a defining moment in world history. May this be the beginning of the triumph of true human values.

DIVAKAR PAI,
Kodungallur, Thrissur, Kerala

■ Governments and the people who were involved in this stupendous rescue effort deserve our accolades. Every help must be extended to the boys and their coach to recover from the trauma that they must have experienced.

C.G. RISHIKESH,
Chennai

■ It is amazing that India did not send any team to join in the efforts to rescue the trapped boys and their coach – an incident literally in its backyard – even as the U.S., the U.K., Japan, Australia, China and even tiny Laos, Myanmar and Vietnam pitched in. I say this as a retired commodore in the Indian Navy. The prowess of India’s Marine Commandos, or MARCOS, is second to none. There does not seem to have been even a statement from the government – I could be wrong though – expressing solidarity with the Thai people. I think this was a golden opportunity for us to have walked the talk on our ‘Act East’ policy but we seem to have missed the bus. The Ministry of External Affairs should have taken the lead. The true greatness of a nation lies in these seemingly small acts of expressing concern and solidarity

without expecting anything in return. I think we dissipate all our energies in debating communal relations and the so-called national-anti national debates. Somewhere along the way we seem to have lost basic decency and a respect for human values..

K.S. SUBRAMANIAN,
Kochi, Kerala

Debate in Parliament

I happened to watch (on some of the leading western TV channels) broadcasts of a debate on Brexit in the British Parliament. The Members of Parliament were quite knowledgeable about Brexit and dignified in the way they raised their questions, opposed Prime Minister Theresa May and, in turn, the way in which she answered their queries. It set me thinking about the way in which our parliamentary conduct is. Perhaps it would do us a world of good if the Speaker of the Lok Sabha

and the respective State Assemblies get hold of recordings of this debate and played it to our MPs and MLAs. It may be wishful thinking, but it could improve the quality of behaviour and debate.

MATHEW GAINNEOS,
Thiruvananthapuram

The written word

The era of communication through postcard and inland letters is evergreen in the memories of senior citizens like me (“Post cards still around, but nothing to write home about”, July 8). I still have a postcard written decades ago by my maternal

CORRECTIONS & CLARIFICATIONS:

A headline (Nation page of July 7, 2018 edition) and the accompanying graphic titled “On a war footing” erroneously said that 800 IAS officers had been deployed to implement flagship government schemes. It should have read: “Govt. deploys 800 central government officers for village outreach.”

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: +91-44-285525263; E-mail: readerseditor@thehindu.co.in; Mail: Readers’ Editor, The Hindu, Kasturi 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