

8 EDITORIAL



Cash and churn

The result of the R.K. Nagar by-election spells political instability for Tamil Nadu

Sometimes a war can be won only by withdrawing from a battlefield. The real surprise in the R.K. Nagar Assembly by-election in Tamil Nadu was not the victory of the rebel AIADMK candidate T.T.V. Dhinakaran, contesting as an independent, but the third-place finish of the DMK candidate Marudu Ganesh. Instead of benefiting from the split in the AIADMK support base, the DMK appears to have suffered a huge erosion in its vote bank. There is no obvious explanation for the poor showing; not even the alleged cash distribution by the two AIADMK groups can account for the sudden dip in the DMK's share of the vote resulting in the candidate forfeiting his deposit. But it may be worth keeping in mind that winning the seat would have meant nothing for the DMK, whether in the short term or in the long term. What the runaway victory of Mr. Dhinakaran does is sow the seeds of confusion in the ranks of the AIADMK; it even has the potential to bring down the government led by Edappadi K. Palaniswami. Many of the MLAs and MPs in the ruling faction of the AIADMK owe their allegiance to Mr. Dhinakaran and the Sasikala family. But they chose to back Mr. Palaniswami only because they did not want mid-term Assembly elections, and they were not sure of the voter acceptability of the Sasikala family. Thus, the R.K. Nagar result could set off another round of churn in the AIADMK; many of the MLAs may now see the Sasikala family as the only force that could keep the party together and command wider voter support. The worst-case scenario for the DMK was a victory for the official AIADMK candidate E. Madhusudhanan. That would have strengthened the hands of Chief Minister Palaniswami, and ensured the continuance of his government. The Dhinakaran victory may be a loss in the immediate term, but for the DMK it could be a blessing in the medium term, allowing it a shot at returning to power through a mid-term election.

As for the ruling AIADMK faction though, it will have to deal with the consequences of this political setback. Despite having won the battle for the party name and the election symbol, the fight for political legitimacy is far from over. Once the Dhinakaran faction attains a critical mass, the ruling camp may see desertions on a large scale. Clearly, fielding the elderly and feeble Mr. Madhusudhanan against Mr. Dhinakaran was a bad idea. And although the official group tried its best to match Mr. Dhinakaran in electioneering, the voters opted for the opportunity to set off a political churn. The ruling faction of the AIADMK spent too much time putting out the internal fires in the party and too little on governance. The result in R.K. Nagar might not be the final word on the political legitimacy of the Sasikala family, but the voters have surely set Tamil Nadu on the path of a prolonged period of political instability.

On the line

It is vital that India-China talks on the boundary question pick up speed

The meeting between the Special Representatives of India and China – National Security Adviser Ajit Doval and State Councillor Yang Jiechi – on the boundary question on December 22, the 20th so far, was unique for a number of reasons. The talks came more than 20 months after the last round, reflecting a period of extreme strain in India-China ties, including the 70-day troop stand-off at Doklam this year. Previous meetings had followed each other within a year. Also, at the recent Communist Party Congress, Mr. Yang was elevated to the Political Bureau, and this is the first time the Chinese side has been represented by an SR of such seniority. As a result, the two sides were best poised to move ahead in the three-step process that was part of the Agreement on 'Political Parameters and Guiding Principles for the Settlement of the India-China Boundary Question' in 2005 – that is, defining the guidelines for the settlement of border disputes, formulating a framework agreement on the implementation of the guidelines, and completing border demarcation. The SRs were given an extended mandate after meetings between Prime Minister Narendra Modi and President Xi Jinping this year, and thus went well beyond the remit of discussing the resolution of boundary issues. Above all, they were guided by the Modi-Xi agreements of 2017, including the 'Astana consensus' that "differences must not be allowed to become disputes", and the understanding at Xiamen that India-China relations "are a factor of stability" in an increasingly unstable world.

It would be a mistake, however, to infer that all these engagements the worst in bilateral ties is now behind the two countries. Since 2013, when the Border Defence Cooperation Agreement was signed, there has been a steady decline in relations in all spheres. The border has seen more transgressions, people-to-people ties have suffered amid mutual suspicion, and China's forays in South Asia as well as India's forays into South-East Asian sea lanes have increasingly become areas of contestation. In India, this is seen as the outcome of China's ambition of geopolitical domination. In this vitiated atmosphere India views every move by China as a targeted assault – such as the Belt and Road Initiative with the economic corridor with Pakistan, the free trade agreement with the Maldives, and the blocking of India's membership bid at the Nuclear Suppliers Group. In turn, Beijing sees the U.S.-India defence agreements, the Quadrilateral engagement with Japan, Australia and the U.S., and Indian opposition to the BRI quite the same way. The stand-off at Doklam was a hint of what may ensue at greater regularity unless greater attention is paid to resolving the differences for which the SR meetings process was set up in the first place.

This year, on Jerusalem

India's vote at the UN is in line with its leading power ambitions, and not just a legacy of nonalignment



VARGHESE K. GEORGE

When India voted on a UN General Assembly (UNGA) resolution last week on the status of Jerusalem, going against the wishes of the U.S. and Israel, many observers of its foreign policy were surprised. The resolution did not make a direct reference to the recent U.S. decision to recognise Jerusalem as the capital of Israel and shift its embassy to the holy city from Tel Aviv. Through the resolution adopted with 128 in favour to nine against, with 35 abstentions, the 193-member UNGA expressed "deep regret" over "recent decisions concerning the status of Jerusalem" and stressed that Jerusalem "is a final status issue to be resolved through negotiations in line with relevant U.N. resolutions," between Israel and Palestine.

India's stand

The surprise over the Indian vote was not because it fell out of line with the country's foreign policy as we have known it, but because of an apparent deviation from Prime Minister Narendra Modi's new strategic thinking. Much has been written on the 'Modi strategic doctrine' but the concept has been pithily summarised by Mr. Modi himself and explained by Foreign Secretary S. Jaishankar on earlier occasions – the goal is to transform India from being a 'balancing power' to a 'leading power' on the international stage. U.S. President Donald Trump's National Security Strategy released recently offers support for this aspiration of India to emerge as a 'leading power.'



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India's Jerusalem vote can be interpreted as a continuing adherence to its traditional policy of nonalignment. But a more appropriate interpretation of the vote is possible within the framework of India's leading power ambitions. To do that, we need to also see the vote in conjunction with two other votes in the recent past at the UN. The first was in June, when India supported a move by Mauritius to take its sovereignty claims over the British-controlled Chagos Archipelago in the Indian Ocean to the International Court of Justice (ICJ), against the wishes of the U.S.; the second was in November when India won a seat on the ICJ, in spite of active opposition from the U.S.

On the Jerusalem vote in the UNGA, which is not binding, if India had voted against the resolution, it would have ended up in the company of seven countries that joined the U.S. and Israel. These are Guatemala, Honduras, the Marshall Islands, Micronesia, Nauru, Palau and Togo, the combined population of which roughly equals the population of Delhi. In the 2012 Gujarat Assembly election, Mr. Modi won more votes in the Maninagar constituency than the population of four of these countries. Not exactly the group that India might want to lead, as second deputy after America and Israel.

The second option was abstain-

ing, along with Antigua-Barbuda, Argentina, Australia, Bahamas, Benin, Canada, Cameroon, Croatia, Haiti, etc.

Of these, Canada, which used to vote with the U.S. on Israel resolutions, moved away from the U.S. position this time. Canada and Mexico also face the threat of the dismantling of the North American Free Trade Agreement by the Trump administration. As for Australia, its interests in West Asia are hardly comparable to India's. In any case, not taking a position on an issue is hardly worthy of an aspiring leader.

Supporters of the 'leading power' doctrine often argue, rightly, that India must be more forthright and articulate in expressing its position on issues confronting the world. As it did, for instance, by speaking up on the Belt and Road Initiative. So, abstaining was not an attractive option for an aspiring leading power.

Many advantages

Suboptimal as it might be as a choice, voting for the resolution put India in the company of the overwhelming majority of the world. It kept India in the company of Shanghai Cooperation Organisation (SCO) and BRICS (Brazil, Russia, India, China, South Africa), groupings that India continues to value under the Modi government. While BRICS and the

A glimmer of hope?

Self-identification should be the basis for access to benefits and entitlements for transgender persons



USHA RAI

Will the long years of waiting to recognise the identity of transgender persons finally end in this winter session of Parliament with the passing of the Transgender Persons (Protection of Rights) Bill 2016?

The community has laid stress on the point that for them, dignity, respect, and access to health care are non-negotiable basic rights. Self-identification should be the sole criterion for gender recognition legally without the need of any other psychological, medical, or "expert" intervention. Self-declared identity should also form the basis for access to social security benefits and entitlements. The community maintains that the basic principle of "nothing about us, without us" must be applied for all trans and hijra rights, health and welfare activities.

The community has rejected the setting up of district screening committees to recognise transgender persons as they say they are

not objects or people with a contagious disease who need to be medically screened. Their argument, and rightly so, is that a medical assessment violates their right to self-identification and gender autonomy which are protected under the right to life and personal liberty guaranteed by the Constitution. Many do not want to be labelled as transgender or third gender but instead recognised legally by their self-identified gender of "male" or "female".

The Kochi Metro example

Will the Bill have provisions to protect them from discrimination? The experience so far has been that many who struggle to access jobs are discriminated against, forcing them to drop out.

For example, in May, when the Kochi Metro Rail Limited formally employed 23 transgender persons, eight of them dropped out after being unable to find suitable accommodation based on the monthly wages they drew (between ₹9,000 and ₹15,000). Many households were unwilling to let out their houses to them. They faced other forms of discrimination too.

Therefore, an effective enforcement mechanism is vital for the adjudication of anti-discrimination claims brought forward by



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transgender persons.

While in 2014, based on the Census, five million acknowledged their transgender status, activists say their number could be much higher. Over 66% of them live in the rural areas. The Census data also highlighted the low literacy level in the community, just 46% in comparison to the general population's 74%. In fact there should be reservation to facilitate their admission to schools and appointment in public offices. In 2014, the Supreme Court in *National Legal Services Authority v. Union of India* pointed out that reservation is one of the time-tested ways of enabling historically disadvantaged populations to join the mainstream.

Stigma and discrimination

But accessing even the rights they already have is not easy. For exam-

ple, even in an enlightened city such as Mumbai, young transgender persons seeking admission to college approach the transgender group leader, normally a person with clout, who then meets the college principal and, in most cases, secures their admission. Thereafter, the transgender person has to be on "best behaviour" and not stand out as that could compromise the admission.

Hopefully the Bill will provide protection to transgender persons from violence and stigma which is a major factor. Often they are denied passage in public spaces and harmed or injured. The hijra community, especially those who are a part of the 'guru-chela' structure in Hijra gharanas and practise the traditions of "mangti" and "badhai", are often harassed, detained under begging prohibition laws, and forced into begging homes.

In the case of transgender children, their families, unable to accept their status, subject them to domestic violence, which often compels these children to leave home. Though several transgender persons have made a mark in the beauty and fashion industry, joined the police force, the academic world and even the Indian Navy, there is need for a compre-

hensive survey on the socio-economic status of the community. Transgender welfare boards are needed in different States. Transgender persons should take part in the national Census to generate accurate data.

A grey area Transgender identity is not yet recognised in criminal law, whether as the third gender or as a self-identified male or female. There is also no clarity on the application of gender-specific laws to transgender persons. Section 377 of the Indian Penal Code is applicable to transgender persons (i.e., those who were male at birth). This amounts to double persecution.

Finally, the community wants mental health counselling support and free gender transition surgery facilities in government hospitals. There are other issues that worry transgender persons such as their right to property, adoption, marriage, pension, and care for the old and the disabled. Some of these issues may be resolved when the Bill, taking note of their concerns, is passed. The Bill could be the first big step towards equality and their recognition in the mainstream.

Usha Rai is a Delhi-based journalist

LETTERS TO THE EDITOR

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Shock and awe

If politics in Tamil Nadu has been always tough to comprehend, the R.K. Nagar verdict has only reaffirmed it. What led to such a stunning victory for an independent candidate who had a new election symbol and no party apparatus to back him? The dissident leader of the AIADMK, T.T.V. Dhinakaran, countered all the bigger players by making this an election about himself. He played the underdog to the hilt, even when the Chennai police did not allow him to campaign on the first two days. And he is allegedly to have matched the money power of the AIADMK, note for note. If 2017 has been politically chaotic in Tamil Nadu, 2018 promises to be no different.

PADMINI RAGHAVENDRA, Secunderabad

■ Mr. Dhinakaran's victory is

of immense significance. Critics may say that it was a victory of money power, but didn't all the candidates who mattered resort to the same tactic? Hence, there were other factors at play. Voters, at least in the R.K. Nagar constituency, seem to have accepted Sasikala. People in general do not seem to have been affected by the corruption factor, appearing to side with those who they perceive to be their benefactors. Another significant point in this by-election is that the election symbol appears to have played only a symbolic role. Voters were not carried away by the two leaves symbol of the AIADMK.

K.R. JAYAPRAKASH RAO, Mysuru

■ Mr. Dhinakaran's resounding win throws up some points for introspection. One, the electorate severed their

affiliations with political parties to vote for an independent candidate. Two, both the AIADMK and the DMK have come a cropper despite a strong vote bank. The reputation of parties and their leaders did not matter. Three, one needs to watch whether this solitary result is a precursor to the emergence of a new political party with a new set of leaders in Tamil Nadu. Four, the BJP needs to evaluate its prospects with the loss of its deposit. At the national level, both the BJP and the Congress must be clueless about their alliance partner search for the next election in Tamil Nadu.

V. LAKSHMANAN, Tirupur, Tamil Nadu

The "loss" in 2G

In the 2G spectrum case, the notional loss of ₹1.76 lakh crore is different from the criminality aspect. That relates to policy and is

merely an error of judgment. The crime lay in not permitting a level playing field and ensuring that those with hardly any experience or exposure in the field drew benefits. There was manipulation so that only a few could participate in the process. It is this that was criminal, especially when some are alleged to have enriched themselves. This was what couldn't be proven in court for whatever reason. The cancellation of licences by the Supreme Court and the subsequent auctions which fetched amounts that vindicated the former CAG's observations cannot be missed.

ASHOK SUDAN, Visakhapatnam

The Jerusalem vote

It is a relief that New Delhi, despite bolstering ties with Israel and the U.S., showed its courage of conviction and chose to follow an

independent policy on the issue of Jerusalem. Going by President Donald Trump's whimsical 'America first' policy, the veritable truth is that India has little to loose by rubbing his administration the wrong way.

NALINI VIJAYARAGHAVAN, Thiruvananthapuram

The hidden spark

The article, "A teacher's tribute" (Open Page, December 24), on how Dr. B.M. Hegde discovered the genius in his student, Arunachalam Kumar, is a lesson for every teacher. It is not the marks that matter but the spark within a student that makes all the difference. It requires a sharp eye to catch it. Let us remember how our system failed Srinivasa Ramanujan. It was his self-belief that took him to great heights.

S.S. RAJAGOPALAN, Chennai

Windfall year

The editorial, "Best year ever" (December 25), analyses the sterling performance of the Indian cricket team accurately but the one thing disturbing about the Indian cricket team is that the batting on occasion looks so brittle that a little tighter bowling triggers a top or middle order collapse and the batsmen return to the pavilion in a procession without a fight. The tail slogs in vain. If the established batsmen in an innings can avoid loose shots when the going is not good, the team can do an Australia or a Pakistan to redeem lost ground. The team must do well in South Africa and erase the perception that it wilts when challenged on a foreign pitch.

PUSHPA DORAI, Nuran, Kerala

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