



## Talaq in J&K

The BJP and the PDP can finally go back to being the polar opposites of each other

A marriage of convenience ends the moment a divorce becomes more convenient. In Jammu and Kashmir, the post-poll coalition of the two polar opposites, the Bharatiya Janata Party and the Peoples Democratic Party, was never meant to coalesce into a credible pre-poll alliance. But while the PDP would have been willing to wait till the Assembly election in 2020 before breaking ties, the BJP had its compulsions for pulling out of the alliance before the Lok Sabha election next year. Both parties feed off the denominational divide, the BJP depending on the Hindu vote bank in Jammu and the PDP on the Muslim vote bank in Kashmir. Neither party's campaign rhetoric would have appealed to the other's support base. The divorce was thus foretold from the beginning: what was left to be decided was the most opportune moment for separation. For the BJP, the controversy over the support extended by two of its Ministers to the accused in the Kathua rape-and-murder case would have signalled that the alliance was no longer sustainable. A majority of its supporters in the Jammu region were opposed to the case being pursued to its logical conclusion. But outside of Jammu, the BJP knew it could not be seen as extending support to the accused. The withdrawal of the two Ministers from the J&K Cabinet did not go down well with the BJP's rank and file, which was beginning to feel the PDP was getting the better of the bargain. But breaking ties on the Kathua issue would have sent all the wrong signals to the rest of the country, which was horrified at the brutal nature of the crime. So the BJP chose to wait.

The differences over whether or not to extend the cessation of operations against the militants announced for the Ramzan month provided a fresh opportunity. While the PDP wanted the cessation of operations to continue so that it could serve as a launch pad to talk with separatists about a political solution, the BJP saw it as no more than a respite from stone-pelting in the Valley. In any case, with the Hurriyat showing absolutely no inclination to talk, and the militants targeting civilians and Army personnel in a continuing spiral of violence, there were arguments to the effect that it was futile to extend the stay on Army operations. Given how the numbers stack up in the J&K Assembly, an alternative government without the BJP will need the PDP, the National Conference and the Congress to come together – a possibility that is, to understate the point, somewhat remote. The PDP and the NC are political rivals in the Valley, fighting for the same political constituency. A coalition would be fraught with political risks for both. The 2014 verdict was a fractured mandate, one that reflected the fragmented polity of a State torn asunder by violence. Another election may not guarantee political stability, but it remains the only way to test the popular will of the people in this roiled State.

## The last to know

The conduct of the board of ICICI Bank raises questions about corporate governance

The board of ICICI Bank has finally acted on the allegations of misconduct against its CEO and managing director, Chanda Kochhar. It had earlier maintained that she was on annual personal leave; now, she will stay away from the office till the completion of an inquiry into the charges levelled against her by a whistle-blower. Rather than allow the controversy to fester, the board of ICICI Bank, an institution that often sought to hold a mirror up to the inefficiencies of public sector banks, should have acted earlier. Till the inquiry is complete the bank will be steered by a new chief operating officer, Sandeep Bakshi. The official version is that he will report to Ms. Kochhar, who herself took the decision to go on leave till the end of the inquiry – but this is at best a face-saving cover for a board that was reluctant to act since the controversy broke. Meanwhile, the tenure of M.K. Sharma, the chairman of the bank's board, is set to end this month and there is still no clarity on his successor. This extended uncertainty in a crisis situation is unwarranted. ICICI Bank's troubles are rooted in a 2016 complaint by an investor alleging a *quid pro quo* deal between Ms. Kochhar's immediate family members and the Videocon group, which got a ₹3,250-crore loan from it. When this 'conflict of interest' complaint resurfaced in the public domain this year, Mr. Sharma said he had personally inquired into it two years earlier and found nothing amiss.

With the Central Bureau of Investigation and later the stock market regulator SEBI swooping in, the issue of whether the bank had failed to make adequate disclosures about its dealings with the borrower (who is now a defaulter) and a firm related to Ms. Kochhar's husband was spotlighted. The bank is yet to respond to SEBI, but changed tack after the latter decided to launch a probe into allegations of a *quid pro quo* and alleged misconduct by Ms. Kochhar. Three weeks on, the names of the members of and terms of reference for the probe panel to be led by retired Supreme Court judge B.N. Srikrishna are still awaited. It is debatable whether such a high-profile panel is required to ascertain if Ms. Kochhar, whose term ends next March, had made adequate disclosures while deciding on the loans. The board itself could have dealt with this through an internal investigation rather than giving the impression that it wanted to paper over the issue, sending a poor signal to all stakeholders. No doubt Ms. Kochhar, a star on the corporate firmament, enjoys a formidable reputation as a banker. While one should not prejudice the inquiry findings, there is no doubt that the strength of corporate governance practices in the bank has come under question because of the way the issue has played out.

# India's pivot to Eurasia

When you have complicated ties with neighbours, it makes sense to strengthen ties with your neighbours' neighbours



P.S. RAGHAVAN

Sandwiched between U.S. President Donald Trump's acrimonious public exchanges with other leaders at the G-7 (group of seven industrialised countries) summit (June 7-8) and the headline-hogging U.S.-North Korea summit (June 12), the Shanghai Cooperation Organisation (SCO) summit in Qingdao, China (June 9-10) attracted little international attention. It was the first SCO summit attended by India as a full-fledged member (It has been an observer since 2005.)

The SCO grew out of the Shanghai Five grouping – of Russia, China, Kazakhstan, Tajikistan and Kyrgyzstan – which was set up in 1996 to resolve boundary disputes between China and each of the four other members. It admitted Uzbekistan in 2001, re-christened itself the Shanghai Cooperation Organisation and broadened its agenda to include political, economic and security cooperation. It admitted India and Pakistan as full members in 2017.

### The SCO opportunity

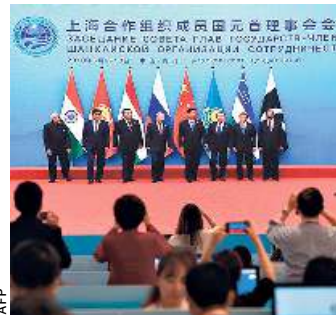
The admission of India and Pakistan has expanded the geographical, demographic and economic profile of the SCO, which now has about half the world's population and a quarter of its GDP. Its boundary extends southwards to the Indian Ocean.

The SCO's relevance for India lies in geography, economics and geopolitics. Its members occupy a

huge landmass adjacent to India's extended neighbourhood, where India has important economic and security interests. Its Central Asian countries border Afghanistan, Pakistan and China. A narrow sliver of land separates southern Tajikistan from Pakistan-occupied Kashmir. When you have complicated relations with your neighbours, it makes sense to strengthen relations with your neighbours' neighbours. With Pakistan joining the Organisation and Afghanistan and Iran knocking on the doors for membership, the logic of India's membership becomes stronger.

Since the break-up of the Soviet Union, the optimal development of India's relations with Central Asian countries has been constrained by lack of overland access through Pakistan and Afghanistan/Iran, because of political and/or security reasons. With new multimodal transport corridors now envisaged through Iran, there are again prospects of invigorating trade and investment links with this region (provided fresh U.S. sanctions on Iran do not stymie this effort).

In the formative years of the SCO, Russia pushed strongly for India to join it, to somewhat balance China's economic dominance in Central Asia. The Chinese were not responsive. China has since consolidated its energy and economic foothold in the region, where ambitious infrastructure and connectivity projects are envisaged as part of its Belt and Road Initiative (BRI). It has secured the simultaneous admission of Pakistan into the SCO. India has to carve out a political and economic space for itself in Central Asia, alongside Russia's role as net security provider and China's dominating economic presence. The Central



Asian countries would welcome India breaking into this Russia-China duopoly.

The India-Pakistan interaction was closely watched in Qingdao. The handshake and exchange of pleasantries between Prime Minister Narendra Modi and Pakistan President Mamnoon Hussain were noted, as also the absence of bilateral altercations. It allayed apprehensions, expressed in the run-up to Indian and Pakistani accession, that SCO deliberations would get bogged down by India-Pakistan squabbles. It also respected the etiquette of international organisations: countries join them to promote shared objectives, not to settle bilateral scores.

### The India-Pakistan track

Russian President Vladimir Putin has suggested that harmonious cooperation in the SCO may pave the way for an India-Pakistan rapprochement, recalling that SCO membership had facilitated resolution of China's boundary disputes with Russia and Central Asian countries. Chinese officials have also expressed this hope. The circumstances are not comparable. China made substantial concessions to settle its boundary disputes with Russia and Central Asia, in pursuit of larger strategic and economic objectives in the region. India-Pakistan differences

extend well beyond a boundary dispute, flow from different historical circumstances and are located in a different geopolitical environment.

The SCO will, however, nudge both countries to cooperate in sensitive areas. One example is the Regional Anti-Terrorist Structure (RATS) of the SCO, which coordinates cooperation for security and stability, through intelligence-sharing on criminal and terrorist activities. India and Pakistan, which exchange mutual recriminations in such matters, have to find ways of cooperating in the RATS. Defence cooperation is another tricky area: enhanced linkages between armed forces is an SCO objective. India has agreed to participate in the SCO's counter-terrorism military exercises in Russia later this year, when Indian and Pakistani troops will operate together. Reconciling Indian and Pakistani perspectives in the SCO's initiatives on Afghanistan would be yet another challenge.

The expansion of SCO has diluted its unanimity on hitherto shared perspectives. Tacitly accepting the fact that India and Pakistan are not signatories to the Nuclear Non-Proliferation Treaty (NPT), the Qingdao declaration confirms the compliance of the SCO's NPT signatories to its provisions. India's reservations on China's BRI are accommodated by excluding it from the list of SCO members that endorse it (all except India). The boilerplate formulations on terrorism accommodate the concerns of various members, without offending any. The essence of a functioning multilateral framework is focusing on shared objectives and underplaying divergences.

Besides expanding opportuni-

ties for India in Central Asia, the SCO is a platform for articulating a non-Western – as distinct from anti-Western – perspective on global issues. This includes opposition to selective advocacy of regime change, self-serving homilies on human rights and intrusive advice on domestic policies. It suits India that the SCO is not stridently anti-West in its pronouncements. The U.S. cultivates relations with Kazakhstan, Kyrgyzstan and Uzbekistan to ensure logistical support for its Afghanistan operations and to gradually wean them away from Russian influence. These countries welcome the room for manoeuvre that this gives them. Russia and China also carefully avoid strong anti-West postures in the SCO, preferring to deal with differences quietly and bilaterally.

### Balance of forces

The challenge for India – besides that of security and defence cooperation with Pakistan – may come from increasing Chinese dominance of the SCO. This could happen if Russia-U.S. relations worsen further, leading Russia to an even greater dependence on Chinese political and economic support. Another possible game-changer could be the fallout of the much-heralded U.S.-North Korea summit. If, as Mr. Trump has hinted, peace in the Korean peninsula leads to reduced American military presence in the region, it would dramatically change the balance of forces in the Asia-Pacific in favour of China. This would transform Eurasian dynamics, with an inevitable impact on SCO.

P.S. Raghavan, a former diplomat, is Convenor of the National Security Advisory Board. The views expressed are personal

# The imperative to offer refuge

Why India urgently needs a national asylum policy



PALLAVI SAXENA & NAYANTARA RAJA

This month, it is five years since Nargis first arrived in Delhi. The Afghan journalist in Herat, Afghanistan had to flee her country after the Taliban threatened to kill her. But as a refugee in India, she has had no opportunity to earn a living and has been unable to rebuild her life.

Today, India is host to over 200,000 refugees like her who have been forced to flee conflict and persecution in their home countries. On World Refugee Day (June 20), there is a need to reassess India's approach to refugee protection, particularly in light of the regional refugee crisis after the mass exodus of the Rohingya from Myanmar.

Traditionally, India has hosted several persecuted groups such as Tibetans and Sri Lankans. While it is not a signatory to the 1951 Refugee Convention and has no domes-

tic asylum law, it has reiterated its commitment towards the protection of refugees at various international fora, including the UN General Assembly.

One of the most significant affirmations of this commitment was demonstrated by India becoming a signatory to the New York Declaration for Refugees and Migrants, which was adopted by 193 countries in September 2016. In doing so, India has expressed its solidarity with those forced to flee and agreed that protecting refugees and supporting the countries that shelter them are shared international responsibilities that must be borne more equitably.

The Declaration sets the stage for a new framework for refugee protection – the Global Compact on Refugees (GCR). The Compact is a coordinated effort to strengthen international response to protracted refugee situations and comprehensively addresses all stages of refugee protection, from reception to long-term solutions. Two of its key objectives are to ease pressures on host countries and enhance refugee self-reliance. The GCR recognises that certain refugee situations can last for decades and acknowledges that the

burden is borne largely by developing countries, that now host over 80% of the refugee population in the world. In light of this, it calls for support from the international community in the form of resources. It also seeks to establish forums to enable expertise-sharing to promote economic opportunities, decent work and job creation not just for refugees but also for the host community. Since the Declaration was adopted, the UN High Commissioner for Refugees (UNHCR) has been engaging with member states, UN bodies, and non-governmental organisations to develop a plan for its practical implementation; this will be finalised by the end of 2018.

### Indian context

Although India has hosted refugees of varying nationalities for decades, the country has done little beyond providing asylum. There have been some attempts to introduce a refugee law in the country, the latest being the Asylum Bill 2015, introduced as a private member's bill by Shashi Tharoor. However, none has gone the distance and the government continues to adopt an ad hoc approach towards this group. Given that



most refugees have been unable to return to their countries, leading to protracted refugee situations, there is an urgent need for the government to develop a uniform framework for their management during their stay in India.

For instance, due to their unclear legal status and lack of uniform documentation, refugees have limited access to essential services and almost no avenues for livelihood. While some refugees have been able to generate income by working in the informal sector, many of them, especially vulnerable women like Nargis, are at the mercy of touts and traffickers even within their own community. At best, they are forced to rely on income from odd jobs which is an unsustainable livelihood option that often leaves them exposed to exploitation.

The solution to this may lie

within the GCR, which calls for States to identify gaps and opportunities for employment and income generation for refugees in a bid to enhance their self-reliance. Moreover, it specifies the need to include the host community in enabling mapping skills, vocational training and capacity-building among refugee populations, thereby fostering understanding and cooperation among the communities and paving the way for a socially cohesive approach.

India's commitment to refugee protection under the GCR is evident in its active participation in ongoing GCR consultations, where it has emphasised the need for a clear mechanism for the refugee response regime. Therefore this is an opportune time for India to reassess the need for a national asylum policy which is compliant with the principles laid down in the GCR. This will not only re-establish India's place as a democratic regional power committed to core humanitarian principles but will also provide refugees such as Nargis a chance to give back to the country that has adopted her.

Pallavi Saxena and Nayantara Raja are refugee lawyers based in New Delhi

## 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.

### Organ donation

The writer (Editorial page, "Heart of the matter", June 19) says that public trust should become the most important factor in organ donation and transplantation. But in today's material world, it's hard to repose blind faith in anyone or anything unless there is enough data or evidence to allay one's deep fears. Therefore, the system should be made transparent to enable trust. The medical world needs to address questions about the availability of organs, the conditions of patients and the reasons why foreign patients were preferred over Indian patients. The perception is that there are hidden flaws in the healthcare system. We need to be reassured that there is a code of ethics.

VIDYA B. RAGUNATH,  
Thanjavur, Tamil Nadu

■ The article refers to kidney transplantation being in practice in India for over 25 years. In fact the first successful kidney transplant was carried out at Christian Medical College and Hospital

Vellore, Tamil Nadu, in 1971; CMC has history of 48 years of kidney transplantation.

DURAI JASPER,  
Vellore, Tamil Nadu

### Code of conduct

SEBI, the regulatory watchdog, should act expeditiously on its own to find out the truth in the ICICI Bank case since it is presumed to be in possession of all evidence at its disposal. Chanda Kochhar has had a chequered career and the bank's name is more or less identified with hers; her contribution to the growth of the bank can never be underestimated. The continued suspense over alleged *quid pro quo* will damage not only her reputation but the banking industry's as a whole. ("Chanda Kochhar to go on leave till probe gets over", June 19)

V. SUBRAMANIAN  
Chennai

■ Ms. Kochhar on her own volition should have chosen to stay away immediately from office after the controversy came into the public domain. It would appear that the bank's board

of directors continues to be beholden to her and it has not covered itself with glory. One cannot forget how it earlier and hastily gave her a 'clean chit' without carrying out an objective internal probe. The board's act has only shown up the absence of an efficacious internal vigilance mechanism in the private banking sector.

S.K. CHOUDHURY,  
Bengaluru

### AAP and Delhi politics

The Delhi Chief Minister has a lot to learn from his predecessors who maintained a good working relationship with the Central government irrespective of their political affinities (Editorial, "Power crisis", June 19). The AAP's disdain for constitutional propriety is the best argument against granting full statehood to Delhi. The National Capital Territory is the seat of the national government; there cannot be two power centres in the form of the Prime Minister and the Delhi Chief Minister. Given Arvind Kejriwal's record of actions in the past, one would not be surprised if he chose to

challenge the authority of the Prime Minister and the Centre. It may seem contrarian but the fact is that Delhi does not need the status of either a quasi-State or a glorified Union Territory. Opposition leaders who are supporting Mr. Kejriwal should realise that national interest demands the building of a political consensus to treat the NCT as a special administrative territory.

V.N. MUKUNDARAJAN,  
Thiruvananthapuram

■ The bizarre "sofa dharna" is politics at its worst. It is time the existing constitutional framework for the administration of Delhi is reviewed to make the elected government less dependent on the Lt. Governor.

S.K. CHOUDHURY,  
Bengaluru

### Plastic in the ranges

In order to have a plastic-free world, we have to unlearn the habit of 'use and throw'. I am working in a biodiversity hotspot situated in the Western Ghats in Kerala. Unfortunately, it is

not free of this menace – plastic waste can be seen littered everywhere in this pristine evergreen stretch that is host to numerous species. There have been numerous reports on the dangers that plastic waste poses to wildlife and marine life. But are we listening? (Editorial page, "A plastic charter", June 13).

SUKUMARAN C.V.,  
Palakkad, Kerala

### Zero humanity

There are reports of hundreds of children being detained (apparently in cages) and that this is doing little to deter people trying to get across the U.S. border even though the 'other side' is no longer seen as the country of the free. But such dark events cast a shadow on a country that promotes itself as 'the best' in every field. Apparently there is a push for a get-tough approach although surely anyone who gets tough with children isn't doing the right thing. Children should not be reduced to objects in a political debate; they should be running free. Let the

children free ("World" page, "Melania, lawmakers seek an end to child separations", June 19).

DENNIS FITZGERALD,  
Melbourne, Australia

### 'Yo Yo' roadblock

It is sad to note that some of our cricketers being considered for a place in the national team are unable to pass the "Yo Yo test" ("Sport" page, "Rayudu fails Yo Yo test", June 16). The selectors should note that cricket is a skill-based game. Placing it on a par with athletics might endanger the game by omission of quality players. In cricket, players get ample rest between bowling spells and in between overs. Hence they can manage fatigue. Even a fast bowler who has passed the "Yo Yo test" cannot field neatly. There is nothing wrong in including this test as a part of training sessions but should it be the only factor? Had this test been applied in the past we would have not found many great players.

N. NAGARAJAN,  
Varegur, Tamil Nadu

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