



## Freedom first

The Supreme Court's order allowing Hadiya freedom of movement was long overdue

By freeing Hadiya, a 25-year-old from Kerala who converted to Islam, from her parents' custody, the Supreme Court has protected her freedom to choose her religion and her freedom of movement. Such an order was long overdue, considering that she has been living with her parents against her will and wished to be allowed to be with her husband and practise her religion. It is a matter of satisfaction that the court has now emphasised her personal liberty rather than curtailing her freedom on a totally unrelated ground, namely that she was likely to be radicalised. Hadiya, whose original name was Akhila, had been practising Islam for nearly two years, and had to face judicial proceedings twice at the instance of her father, who alleged that her conversion was involuntary and part of a ploy by communal groups to radicalise her and send her abroad to join the Islamic State. The court has now allowed Hadiya to go to Salem in Tamil Nadu and complete her internship as part of a homeopathy course. It is somewhat ironic that it took nearly a year and a long spell of judicially ordered confinement for Hadiya to opt for the same course of action that was offered to her by the Kerala High Court in December 2016. The High Court had been all set to pass orders to enable her to go to Salem for the same purpose, when on December 21, 2016, she disclosed that a couple of days earlier she had married a man called Shafin Jahan. The High Court then annulled her marriage, calling it a sham and a ruse to scuttle the proceedings.

Whatever the truth about her marriage, there were serious reservations about the High Court's observations to the effect that a woman's marriage requires the involvement of her parents and that even if she had attained the age of majority she was still at a "vulnerable age". The ease with which the freedom of an adult woman to make life decisions could be curtailed by judicial orders left many aghast. It is doubtful if similar remarks would have been made if the convert was a man. From this perspective, the Supreme Court's order is to be welcomed as it gives primacy to a woman's freedom to choose her manner of living. The Supreme Court has also made it clear that the National Investigation Agency can continue its ongoing probe. This preserves the scope for a lawful investigation into the suspicion that there is an organised campaign to recruit young people for overseas operations. Any probe into this phenomenon need not be at the cost of individual liberty. The possibility of indoctrination cannot be a reason for undermining personal autonomy.

## A new phase?

High hopes ride on Nepal's first parliamentary polls under its new Constitution

Nepal voted on Sunday in the first phase of parliamentary elections under its new Constitution of 2015 and with the electoral battle lines redrawn in a recently altered political landscape. The first round was mostly concentrated in the upper hill regions, with the rest of the country scheduled to vote on December 7. Uniquely for Nepal's highly fragmented party politics, these elections witness a direct battle between two fronts. The first, the "democratic alliance", is led by the Nepali Congress and includes the former Panchayat parties and Madhesi groups; the second, the "left alliance", brings together, in a surprise agreement hammered out in early October, the Communist Party of Nepal (Unified Marxist-Leninist) and the Communist Party of Nepal (Maoist Centre). On the face of it, this is an electoral battle between the forces belonging to the centre-right and the centre-left, but to reduce it to an ideological battle would be misleading. The NC, the UML and the Maoists have been in power at various points in the last decade and have done little to distinguish themselves by way of implementing socio-economic policies or in terms of performance. The Constitution-writing process was completed in far too many fits and starts largely due to short-sighted battles for one-upmanship among these parties in Kathmandu since 2008. Populism dominates the ideological positions of the major parties and the politics of patronage has governed their engagement with the people. The consequence of this has been lack of movement on key issues facing the underdeveloped nation-state.

One such issue that dominated the political discourse in the last half-decade has been the need for decentralisation and representation of the marginalised communities. Madhesi and *janajatis* (tribals) have continued to claim that their demands for adequate state restructuring and federalism were not met in the new Constitution. The new electoral alliances have subsumed such differences – with the Maoists, who were willing to grant such demands for amendments to the new Constitution, joining hands with the UML, which is strongly opposed to any concessions. Similarly, the Naya Shakti Party, a fledgling socialist party, has broken away from the left alliance and aligned itself with the NC despite significant differences over state-restructuring and other issues. The political flux has meant that vital issues of economic development have remained largely unaddressed, belying hopes that Nepal's transition from a monarchy to a republic would foreground the people's concerns. The clear contest, for the first time, between two pre-poll alliances may finally give an ideological and political shape to the republican polity as a battle of ideas, and mark a break from the years of squabbling over positions of power in Kathmandu. Clearly, the voters are not cynical: the turnout in the first phase on November 26 was estimated to be 65%. The politicians must now deliver.

# The dream and the reality of AAP

The gap is wide – but one cannot grudge it a celebratory cake even while looking critically at its next move



SHIV VISVANATHAN

The Aam Aadmi Party (AAP) is five years old. When I reported this to a friend of mine, he laughed and said that AAP is a concept that unfortunately degenerated into a party. AAP was a set of ideals and one was excited by the number of idealistic people who joined it – students, activists, IFS officers. In fact, the first casualty of AAP was its ideals. It shed a lot of its early exemplars to become a more mundane party. One wishes AAP had remained an experiment, a perpetual hypothesis reworking the idea of politics and even the ritual of the political. The banalisation of AAP might be its biggest tragedy.

### A long journey

When it appeared, there was something carnivalesque about it. Anna Hazare appeared like an Old Testament prophet and Arvind Kejriwal, who is now Delhi Chief Minister, as a milder version almost had the gentleness of a later Testament. Mr. Hazare smelt Gandhian, more Swadeshi rather than Swaraj, but his battle against corruption and alcohol had an old-fashioned style to it. He reeked of nostalgia and India wanted the nostalgia of Gandhi and the national movement for a while. But one sensed an authoritarian streak in him, and Mr. Kejriwal seemed to be more fine-tuned to the new generation.

As a former Indian Institute of Technology student and revenue officer, he seemed more real. His arrival was greeted with a sense of unprecedented joy. AAP seemed amphibious enough to be both

non-governmental organisation and political party, and be naive enough to be quixotic. The beginning was almost like a reverie. Sadly, his Teflon-coated attitude to feminist issues did not work and instead of sounding progressive, he betrayed hints of a khap panchayat mindset. Yet, his audience was loyal. Each of us could reel off the names of idealistic people who had joined him. They came from many walks of life and helped create a halo of expectation around the party.

There was also a sense of moral luck because the Congress was at the height of its inanity. If the Bharatiya Janata Party (BJP) had become formidable as the main bet, many felt AAP as a side bet would sustain a more creative politics. In the beginning, the very disorder of AAP conveyed that sense of effervescence. There was a gossip of the new, a real sense of pluralism, a bilingual idealism where English-speaking college students and Hindi-speaking activists found a meeting point. For many of them, politics offered the possibility of a career which allowed for both ideals and a real impact. AAP for a few months seemed to be the harbinger of a new future.

### Too inflationary

But three things happened which vitiated these possibilities. First, many outstanding people who

joined the party found themselves at odds with it, in fact sometimes conveying an aesthetic distaste for it. Second, many who joined it promising a new sense of solidarity across a variety of styles seemed to return to their old narcissism. Each was an egoist who thought he was the party. Third, AAP as an idea became inflationary. It threatened to promise an all-India impact when it was still a local phenomenon. The dream of AAP was bigger than the reality called AAP. Oddly, it is this very reaching for the impossible that brought it down. As Humpty Dumpty, it could be put together again only locally.

The local dramas were of a different and more mundane kind. They had a more routine quality to them, from factionalism to the predictable melodrama of corruption. For a party that came in like a bunch of Savonarolas, its private lives were more questionable than its public face. A sense of scandal ate into the party. Oddly Mr. Kejriwal, as a leader, seemed strangely oblivious to all this. He seemed to read it as teething pains, convinced that some kind of naturopathy would cure both his asthma and the party's growing sense of disorder. Also, he seemed less quixotic. It is as if he had switched costumes to be Hamlet while Manish Sisodia, Delhi's Deputy Chief Minister, continued to play Sancho

Panza.

Also, the BJP kept gnawing at its edges, playing to the ambitions of lesser players. For all its publicised sense of ideological rectitude, the BJP was pragmatic about enticing floor crossers. The BJP could combine hypocrisy and pragmatism while AAP was expected to be idealistic. Yet for all this, it was the voter that insisted on sustaining the dream of AAP, convinced that AAP as a hypothesis, an alternative idea must survive. AAP remained the one party that could trounce the BJP. The BJP had to live with the irony that it swept India but could not win Lutyens' Delhi. It was an irony it must have found painful as all its *sanchalaks* wondered when the fairy story called Arvind Kejriwal would end.

But what local bosses could not do, the Lt. Governor could. He became a barrier to AAP, more loyal than the king. Many AAP experiments were still-born as he asserted his primacy over AAP. It was an odd case of the law upholding an appointed over an elected official. The battle between Mr. Kejriwal and Najeeb Jung became the Capital's favourite Punch and Judy battle as the Congress and the BJP watched this development with obvious delight.

### Ageing fast

As time went by, AAP seemed to age faster. A realistic Mr. Kejriwal echoing the problems of governance was less impressive and engaging than his earlier quixotic incarnation, the party symbol of the broom less magical than before. Comrades who were once core members claimed more prime time than Mr. Kejriwal. Yogendra Yadav and Prashant Bhusan were more effective at denting the pretensions of AAP than in building their own constituencies with Swaraj Abhiyan.

The results in Punjab offered a small breather as AAP was one

party that had heroically battled the drug menace and brought it to public light. The battle to create a more open budget, to have a more inclusive educational model to rally the public around pollution was not as convincing. One cannot decide whether it was a failure of communication or half-chewed ideas of governance. As a sympathiser remarked sadly, as an asthmatic, Mr. Kejriwal could have brought a difference passion to solving pollution.

By year five, from an epidemic dream of alternative politics, AAP had become a more modest hypothesis. Yet it created a sense of excitement among people across India. There was a magic to the idea which almost has an existence parallel to the travails of the actual party. People often talk of inventing an AAP in Chennai, Thiruvananthapuram, or Bengaluru. AAP as an unofficial dream appears to have a life of its own. There is an optimism about such politics that is both moving and endearing.

Yet, one senses a reverse trend around Delhi. Aspirational Delhi seems to have dropped ideals as unnecessary or unconvincing. Delhi prefers the grim realism of Prime Minister Narendra Modi, or the cynical power of BJP president Amit Shah. Yet there is a loyalty to Mr. Kejriwal and his dream of a decentralised polity among migrants to Delhi, among the margins of the middle class, people who still sense an authenticity and hope in his programmes and are ready to wait.

A new party has survived five years. One cannot grudge it a celebratory cake even as one looks critically at its next move.

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## Hunting for solutions

Local African voices need to be heard in the debate on trophy hunting



MEERA ANNA OOMMEN & KARTIK SHANKER

In July 2015, when Cecil, a 13-year-old black-maned male lion, strolled out of Hwange National Park in Zimbabwe (some say he was baited and lured out), and fell prey to an American trophy hunter, a furore ensued. The unfortunate lion happened to be a study animal collared and tracked by Oxford University, and beloved of tourists on account of his readiness to provide easy photo-ops. Cecil's death soon catalysed an international slanging match where animal rights activists and celebrities traded insults with hunters and their supporters. While the conservation community was divided in its support, local African voices were hardly heard.

### Accidental mascot

Following this incident, trophy hunting has received much press and action. Thanks to this accidental mascot, financial support for Oxford's Wildlife Conservation Research Unit (WildCRU) poured in. Among the key actions, subspecies of lions at risk from different population pressures were placed on

the U.S. Endangered Species Act, making it difficult for American citizens to trophy hunt. However, the lifting of import bans for elephants, as recently proposed by the U.S. Fish and Wildlife Service and the Trump administration, is expected to ease the entry of trophy imports from countries such as Zimbabwe and Zambia.

Critics fear that lions may once again be a target. Given that populations of both elephants and lions and many other species remain of conservation concern, it is widely believed that actions to 'protect' such species must continue. But several questions remain unanswered: Is trophy hunting good for conservation or does it contribute to population declines? Is hunting ethical, and by whose standards? Should hunting be banned, and who decides?

The equation is not simple; generic hunting bans do not automatically lead to increases in wildlife. For example, in countries such as Kenya and India, where hunting bans came into force in the 1970s, wildlife populations do not seem to fare better than in countries where hunting is ongoing. On the contrary, in both South Africa and Namibia where wildlife has been commoditised (trophy hunting, wildlife tourism, commercial meat production as well as local consumption) and managed for the benefit of local communi-



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ties, populations seem to be doing better.

Trophy hunting has also been favourably implicated in the recovery of individual species such as the black rhino and the straight-horned markhor, a species of wild goat found in Pakistan. In the specific case of lions, WildCRU's own report identifies habitat loss and degradation, as well as the loss of prey-base and conflict with local communities over livestock losses as primary threats. Trophy hunting, it concludes, could be problematic only for some populations but reiterates that there is limited evidence to show that it has substantial negative implications at national or regional levels. In fact, the report states that "the most fundamental benefit of trophy hunting to lion conservation is that it provides a financial incentive to maintain lion habitat that might

otherwise be converted to non-wildlife land uses."

### Impact on conservation

Given these data, it would seem that much of the opposition to trophy hunting derives from an animal rights perspective rather than an objective evaluation of conservation impact. Hunting is carried out in about 1.4 million sq km in Africa, more than 22% of area covered by national parks in Africa. To increase the scope of ecotourism (the most frequently proposed revenue generation alternative) to this level seems unviable given that many of these landscapes are not conducive to tourism. Moreover, some experts claim that compared to ecotourism, high-value trophy hunting has a lower ecological footprint. The caution, however, is that like other market-based mechanisms such as payments for ecosystem services or ecotourism, trophy hunting is also riddled by problems such as lack of local regulation, rent-seeking and corruption, which can derail such projects. Trophy hunting therefore has mixed results, with a variety of factors determining its success or failure.

At the same time, this pragmatic approach to conservation clashes frequently with the animal rights philosophies embedded within the wildlife conservation debate.

To further complicate matters, critics conflate subsistence with sport hunting; these are embedded in different cultural contexts, and need to be evaluated through separate socio-political and economic frames.

One must not forget that the vociferous support of urban Western animal enthusiasts and conservationists has real consequences far away (from their homes) in rural Africa where animals and people live in close proximity with each other. An undue focus on issues such as trophy hunting can take away from real problems such as conflict as well as widespread habitat loss and degradation. The latter are enabled by the massive land grabs perpetrated by multinational companies on the continent. The ongoing trophy hunting and animal rights debates as well as the conservation politics surrounding large charismatic species have been elements of a long-term, white-dominated game that is also indicative of a distinct colonial hangover reminiscent of the 'Scramble for Africa', that once again ignores African voices and ground realities.

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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.

### Hope for Hadiya

What the Supreme Court did on the day it heard Hadiya was 'mixed'. It did the right thing in freeing her from parental custody and letting her finish her internship. At the same time, in withholding its decision on her marriage, the top court did not crown itself with glory as an upholder of rights and freedoms guaranteed by the Constitution. Most disquietingly, by its silence, the court has perhaps unwittingly lent a semblance of credence to the right wing's bogey of "love jihad". It should have avoided wading into political territory and asserted the centrality of individual freedom as the cornerstone of the Constitution. It could have taken its question why it should not delink the Hadiya case from the NIA's

allegation of Hindu girls being lured into marriage to its logical conclusion. The rights of a free citizen in a free country cannot be suspended in this manner. There is no virtue in conforming to the dominant political narrative without the strength of the law. Nothing can be more unjust and inhuman than preventing a married couple from living together under the same roof on flimsy political reasons. Hadiya has stood by her husband with courage and determination in the face of adversity and proved that love is 'the marriage of true minds'. She should not be sacrificed on the altar of religious hatred.

G. DAVID MILTON  
Maruthanadu, Tamil Nadu

■ It is for all parents and their children not to forget the Supreme Court's advice

in the much publicised Hadiya case, by telling her that she "must have ability to stand up on your own feet and live a life of dignity", for which she must return to college and finish her studies there. This conveys the great message that all students should concentrate on their studies "to stand up on their own feet and live a life of dignity". Unfortunately, many youngsters do tend stray away from the path, maybe out of ignorance, ill-conceived dreams, and even wrong guidance. That her religious conversion, alleged love marriage and all other issues raised in the case were of secondary importance is also another lesson.

P.R.V. RAJA,  
Pandalam, Kerala

■ The Supreme Court has stepped in to set right the injustice caused to an adult,

in denying her the right to convert on her own volition and marry a person of her choice. The hallmark of our Constitution is the freedom to follow the religion of one's choice, which includes the right to convert, and gender justice. In Hadiya's case, these fundamental rights were violated. Forced conversion of an adult is unfathomable and far-fetched. The concept of "love jihad" is confusing and subject to varying interpretations. While only forced conversion is an offence, there is no valid reason for denying the rights due to Hadiya.

S.V. VENKATKRISHNAN,  
Bengaluru

### Differences in the open

There appears to be a simmering conflict between the executive and the judiciary, with some fundamental issues at the

core of it (Editorial - "Sink your differences", November 28). Judicial overreach/activism, the perceived inertia of the government in public affairs, and an opacity in judicial appointments are some issues. If the executive and the judiciary are to sink their differences, the responsibility rests more with the judiciary. A person must be living under a stone if he thinks that judicial appointments are completely on the basis of merit.

KIRAN BABASAHEB RANSING,  
Kedgaon, Ahmednagar, Maharashtra

### On e-reading

Like other things, e-reading has its pros and cons too ("Teach students to e-read", November 28). With the advent of the Internet, the education system has undergone drastic changes. Though e-reading helps us in reducing our dependence on the print media, it is taking

away a valuable asset: analytical thinking. Absorbing, analysing and criticising are essential.

VIDHYA B. RAGUNATH,  
Thanjavur, Tamil Nadu

### Islamabad stand-off

The recent turmoil in Pakistan makes more explicit the decayed political landscape within the country (Editorial - "Road to chaos" and "Closing down a country", November 28). Ever since the civilian political leadership was given some shape, it has wielded limited power as long as it was at the pleasure of the military. But there is hope as the judiciary has been trying to set things right. Till democracy in its true sense prevails in Pakistan, we must be vigilant.

SREERAG RAMAN SREENIVASAN,  
Thiruvananthapuram

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