

Within the ambit of humanity

Vajpayee floated hopes for peace in Kashmir by bringing conflicting parties on the same platform



RADHA KUMAR

With tensions between India and Pakistan not easing, and the situation in Kashmir continuing to inflict terrible suffering on its people, is there an end in sight? In Paradise at War: A Political History of Kashmir, historian and policy analyst Radha Kumar argues that the challenge for both mainland Indians and Kashmiris is to get their conflicting internal actors on the same page. She looks forward to the day when the Central and State governments shoulder this challenge together, like they did from 2002 to 2007. An excerpt:

The largely free and fair 2002 election put in place a coalition led by a relatively new political party, the People's Democratic Party (PDP). The PDP announced a 'healing touch policy' which combined human rights, such as the release of political prisoners, with efforts to jump-start the economy through reviving tourism. It came to power in coalition with the Congress party. With the Vajpayee-led BJP at the Centre, this was the first time the two national parties cooperated on Kashmir. And the Indian government appointed a respected former Cabinet and Home Secretary, N.N. Vohra, as interlocutor for talks with Kashmiri dissidents. The stage appeared to be set for a new peace process to begin within the troubled State, but Pakistan remained sceptical and it took close on another year to achieve a breakthrough.

In April 2003, Vajpayee called again for peace with Pakistan (his third and last try, he said), from Kashmir's capital Srinagar. When asked by a reporter whether his call for talks with the Hurriyat, made in the same breath, would be within "the ambit of the Indian Constitution", he famously dismissed the question, saying talks would be within the ambit of humanity ("insaniyat ke daire mein"). Five days later, he told members of the Lok Sabha, "I assured the people of Jammu and Kashmir that we wish to resolve all issues, both domestic and external, through talks. I stressed that the gun can

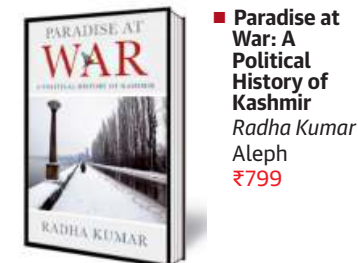


Prime Minister Atal Bihari Vajpayee with Jammu and Kashmir Chief Minister Mufti Mohammad Sayeed during a public meeting in Srinagar in April 2003. NISSAR AHMAD

solve no problem, brotherhood can. Issues can be resolved if we move forward guided by the three principles of *Insaniyat, Jamhooriyat aur Kashmiriyat* (humanity, democracy and Kashmiri oneness)".

Engaging in talks

The lyrical phrase "*insaniyat ke daire mein*" electrified Kashmir. It avoided the sour and contentious issue of the Constitution which had divided the Valley with electoral parties seeking autonomy within the Indian Constitution and independence groups arguing that Article 370, which bound Kashmir to the Indian union, was invalid. The divide was artificial and politically constructed; the Indian Constitution had been amended over a hundred times and any peace settlement would inevitably have required its amendment, even if it were to only change Article 370 from temporary to permanent. But the issue had caused conflict for five decades. By avoiding it, Vajpayee allowed for a sour histo-



ry to be put aside. He also allowed a cover for the Hurriyat to enter talks.

Vajpayee's offer was made possible, at least in part, by quiet feelers from Pakistan over the first three months of the year. A delegation of Pakistani MPs in March 2003 bore a message from Pervez Musharraf that his government would no longer aid cross-border infiltration, and would not attempt to prevent or impede Indian counter-insurgency efforts, including border fencing and surveillance. "The Indian Government can complete its border fencing," the Pakistani MPs assured a small group of Indian diplomats and analysts that I was part of, at a closed-door meet-

ing. "We will look the other way."

In late April, following Vajpayee's statement in Srinagar, Pakistani Prime Minister Mir Zafarullah Khan Jamali called Vajpayee to discuss reopening talks. In July, R&AW director C.D. Sahay went to Pakistan on an under-the-radar mission to discuss Musharraf's offer of a ceasefire. In November, Pakistan announced a ceasefire on the Line of Control, which India reciprocated, following which there was a decline in cross-border movement of guerrillas.

As before, the Pakistani government was subsequently ambiguous about its pledge. The Pakistani Army did not attempt to disrupt India's border fencing militarily, but the Pakistani government protested it at the UN and tried unsuccessfully to draw a parallel between India's fencing and the Israeli wall that was being constructed in the West Bank.

Dramatic breakthroughs

Yet, the ceasefire held and paved the way for dramatic breakthroughs at the SAARC summit at Islamabad in early January 2004. These included a pledge by the seven member states to implement a South Asian Free Trade Agreement by January 2006, alongside a Social Charter to share expertise on development goals. All seven leaders also pledged to work together to end support for terrorist groups and/or activities.

Out of the public glare, there was considerable behind-the-scenes work to achieve the results in Islamabad. Starting in spring 2003, Brajesh Mishra, then India's NSA and Principal Secretary to the Prime Minister, and Pakistan's special secretary to the president, Tariq Aziz, opened backchannel talks. The two countries began to move simultaneously on a number of confidence-building measures. On Kashmir, Musharraf declared his willingness to "leave the UN resolutions [on a plebiscite] behind" if India agreed to talks. His formula for talks was to (a) consider the range of solutions on offer; (b) weed through the ones that were unacceptable to India or Pakistan or the Kashmiris (though who would represent the people of Jammu and Kashmir was left ambiguous); and (c) begin to work on solutions that might be acceptable.

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FROM THE READERS' EDITOR

Reporting is not parroting

'The Hindu' faithfully reported Ranil Wickremesinghe's views in the news section; the editorial was a considered opinion



A.S. PANNEERSELVAN

It is strange that this column has to deal with the coverage of a neighbouring country in two successive weeks. In my column, "Don't blame the messenger" (Oct. 22), I had argued that it is imperative for a responsible media organisation to tell the truth, even if that means reporting tactless utterances. Senior journalist Maalan wrote to us expressing his disappointment with *The Hindu's* coverage of the recent developments in Sri Lanka. He said that the newspaper is favouring Ranil Wickremesinghe and is failing to maintain neutrality.

Addressing complaints

I'd like to make two disclaimers before I address these complaints. One, Mr. Maalan was my first editor in 1981, and two, Sri Lanka was my first neighbourhood assignment since the Thimpu talks of 1985. Now, let's look at some of Mr. Maalan's complaints. He wrote that the newspaper, on October 29, ought to have carried both the reports, "Protect Ranil's privileges as PM, Speaker urges Sirisena" and "Bond scam, assassination plot led to the rift: Sirisena", on the front page instead of carrying the first on the front page and the other on page 14.

On the specific claim by the President about his "cultural differences" with Mr. Wickremesinghe, Mr. Maalan wrote: "It would not be unfair for us to expect from *The Hindu*, which has a long and checkered history of reporting Sri Lankan affairs, to know about it. But a silence prevails on that score." It is true that Sri Lanka has a long and checkered history. But I am at a loss to understand how a reporter or a newspaper can understand what President Maithripala Sirisena meant by "cultural differences" in this context. The onus is on the President, not on the media, to explain these differences. Mr. Maalan also accused the newspaper of parroting Mr. Wickremesinghe's point of view. My textual analysis reveals that the newspaper faithfully reported Mr. Wickremesinghe's views in the news section, and the editorial was a considered opinion.

In a sense, what Mr. Maalan is advocating is a false equivalence. News ombudsmen have dealt with this issue repeatedly, not just in politics but on issues such as climate

change, the use of vaccines, and the rise of political intolerance. Liz Spayd, the last Public Editor of *The New York Times*, described this vividly: "False balance, sometimes called 'false equivalency', refers disparagingly to the practice of journalists who, in their zeal to be fair, present each side of a debate as equally credible, even when the factual evidence is stacked heavily on one side." My colleagues at the Organisation of News Ombudsmen and Standards Editors often reiterate that when there is clear-cut evidence, the assumption that good journalism requires mutually opposed views to be treated as equally valid does not hold.

Invoking the Constitution

Mr. Maalan invoked the Sri Lankan Constitution to prove his arguments. He invoked Article 43(3), which reads, "The President shall appoint as Prime Minister the Member of Parliament who in his opinion is most likely to command the confidence of Parliament", along with Article 47(a), which reads, "The Prime Minister, a Minister of Cabinet Ministers, any other Minister or Deputy Ministers shall continue to function under the provisions of the Constitution unless he is removed by a writing under the hand of the President."

Mr. Maalan is wrong about the prevailing Constitution after the 19th amendment of 2015. This amendment removed Article 47(a). Hence, the President's power to dismiss a Prime Minister has been abolished. Two, Mr. Wickremesinghe won a confidence vote only recently, and the withdrawal of the United People's Freedom Alliance from the government should have been followed by a floor test. Three, Article 46(2), after the 19th amendment, clearly states that a Prime Minister may lose his office either by resignation or by the end of membership in Parliament. The Constitution envisages yet another circumstance in which the Prime Minister may lose his office. Article 48(2) refers to this as the defeat of the statement of government policy, or the Budget or a no-confidence vote in Parliament. In Mr. Wickremesinghe's case, none of the three conditions – death, resignation or parliamentary loss of the majority in a crucial vote – has been met. The reports gave an idea of what is happening in Sri Lanka and the editorial was a critique of the unconstitutionality of a decision taken by an incumbent President, whose executive powers were substantially reduced by the 19th amendment.

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SINGLE FILE

A litmus test for Trump

The midterm elections could impact the policy agenda of the Trump White House considerably

NARAYAN LAKSHMAN



November 6 will be a big day in American politics. The highest number of voters in 20 years, if polls are to be believed, will cast their vote in the midterm elections in which all 435 seats of the House of Representatives and 35 seats in the Senate are up for grabs, beside 36 gubernatorial races and 6,665 other state positions and thousands of more local ones. Going into these elections, Republicans are defending a 235-to-193 majority in the House (seven seats are vacant) and a close 51-to-49 lead in the Senate.

If, as predicted by analysts, Democrats win control of the House, they could impede U.S. President Donald Trump's ability to get major legislation passed and issue subpoenas to bring him before Congressional investigations into the question of whether the 2016 Trump campaign colluded with Russian operatives to covertly influence the general election. An important question is, could we consider the elections a referendum on, or at least a political barometer of, the Trump administration's performance over the past two years, or are there too many policy issues clouding the field to produce a single-pointed result?

Pew Research Center surveys over the past few months suggest that Mr. Trump will be a factor in the minds of voters, yet so will a host of other major policy issues. On the "referendum effect," 66% of Democratic and Democratic-leaning voters viewed their vote as a vote against Trump, while 48% of GOP voters said their vote is a vote for the President.

Nevertheless, several divisive issues will matter too. Highest on the agenda for Democrats – and this matters because a full two-thirds of Democratic voters (67%) say they are more enthusiastic than usual about voting than in past congressional elections – is health-care reform. While Republicans have failed to enact "repeal and replace" proposals, the tinkering with the law that has happened in Washington and across U.S. States may have potentially weakened some aspects of its functioning. Other polarising issues are Mr. Trump's successful nomination of Judge Brett Kavanaugh to the U.S. Supreme Court after the sexual assault allegations that he faced; immigration, which has the potential to become a flashpoint in the wake of the migrant caravan heading for the U.S.-Mexico border; and the economy (Mr. Trump appears to be riding high on positive job numbers and an upbeat stock market). Depending on how these factors weigh upon voters' minds, if the prediction of a "blue wave" pans out, this could tip the scales in favour of the Democrats in Congress, and thus impact the policy agenda of the Trump White House considerably. Unless partisan hostility cedes a space for bipartisan consultations in such a scenario, it is nothing more than a prescription for painful legislative gridlock for two years.

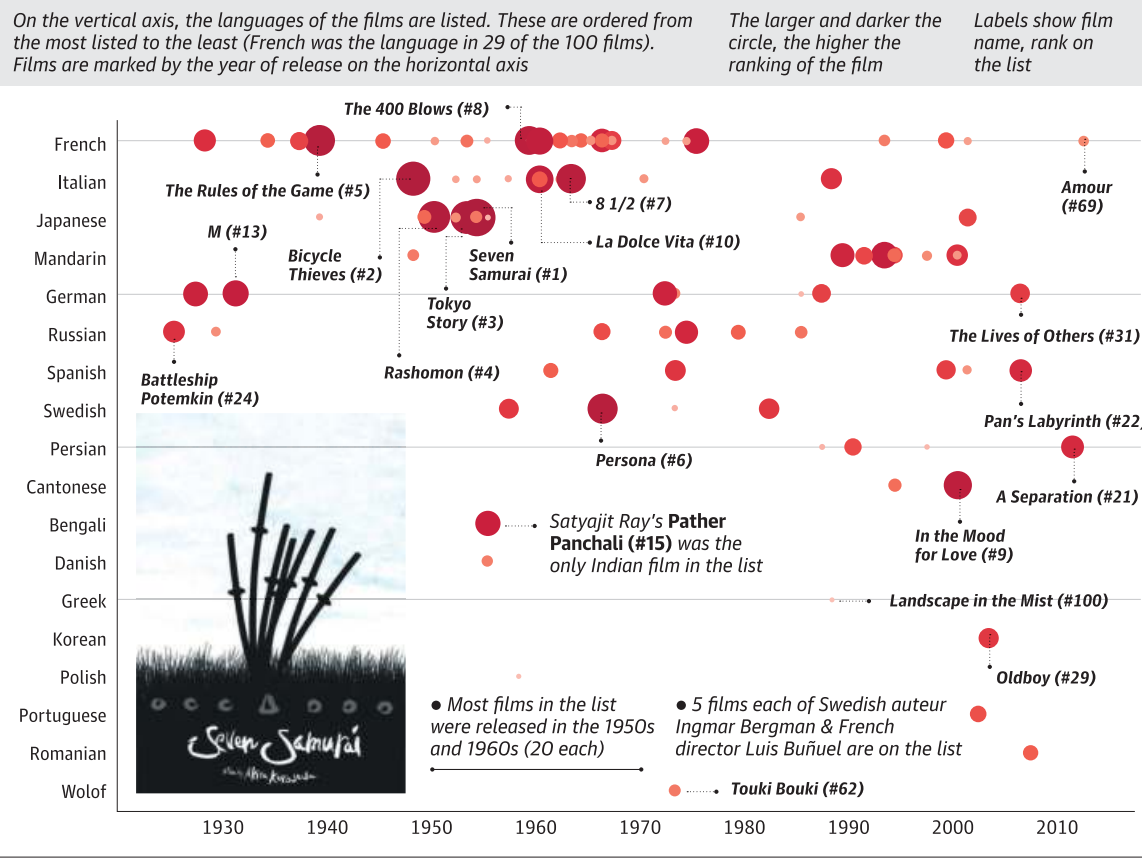
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DATA POINT

Top honours

Based on votes cast by hundreds of film experts — critics, academics and technicians — the British Broadcasting Corporation released a list of the 100 greatest non-English language films ever made. **Vignesh Radhakrishnan** looks at the rankings, language and the year of release of these films



FROM THE HINDU ARCHIVES

FIFTY YEARS AGO NOVEMBER 5, 1968

Union Minister's call: EMS threatens action

The Kerala Chief Minister, Mr. E.M.S. Nambudiripad and the Union Law Minister, Mr. P. Govinda Menon to-day [November 4, Trivandrum] came out in strong terms against each other. Mr. Nambudiripad told the Assembly to-day that the State Government would view seriously inflammatory speeches, whether they were made by the Union Law Minister, or by Mr. A.K. Gopalan, Marxist M.P. or by others. No one would be allowed to take the law into his hands, he said. Mr. Govinda Menon uttered a warning in Ernakulam that the Union Government "will see that its writ in fields set apart to it under the Constitution runs in Kerala State." He wanted the majority of the people to resist the Marxists. The Union Minister said "there is a general complaint that the citizens do not get the protection of the Police when their life, property and honour are in danger. It is for the Kerala public to decide the extent to which this complaint is well-founded."

A HUNDRED YEARS AGO NOVEMBER 5, 1918.

A Temple Tank in Sholapur.

Whether the claims of sanitation should override the religious sentiment is a question just now agitating the people of Sholapur town, in the Sholapur District of the Bombay Presidency. It would seem that the condition of the Sideswar tank, belonging to the temple of the same name, has been a bone of contention between the Collector of the District and the people, especially the Lingayet section, for the last 5 years. The former contends that the tank is in a highly insanitary condition and that it is essential, on grounds of public health, to drain the tank and close the old water courses which feed it. The religious feelings of the people are opposed to the proposition and the Municipality has passed a resolution to carry the Collector's proposal. A collision between the Municipal authorities and the people is apprehended and the Viceroys has been appealed to, to intervene.

CONCEPTUAL Illusion of control

PSYCHOLOGY

This refers to a form of cognitive bias that causes people to overestimate the extent of their control over external events. It often leads people to believe that they can influence things or events that are actually well beyond their direct influence. The phenomenon is named after a 1975 paper by American psychologist Ellen Langer. The illusion of control is prevalent among gamblers who believe that certain tricks or repeated routines can influence the outcome of bets even though bets are simply chance events influenced mostly just by luck. It can lead to overoptimism about the future and disappointment.

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