



Listen to the unspoken

The continuing communication restrictions in Kashmir have only deepened alienation

Exactly a month ago, Jammu and Kashmir lost its special constitutional status, and its status as a State, through a dubious and hurried process. Ahead of that decision that could rankle for years to come, the region, particularly the Kashmir Valley was put under a lockdown with all communication cut and movement of people severely restricted. One month on, the Valley continues to be under severe restrictions; the death of a teenage protester on Wednesday who was injured earlier may further delay the administration's plans to withdraw the clampdown. Communication networks in the Jammu region of the newly created Union Territory have been substantially restored and the Ladakh UT, carved out of the erstwhile State, has not seen disruptions. Prominent newspapers published from Srinagar, discontinued for several days, have resumed publication. Mobile phones and the Internet are not back in operation and schools, though reopened, have sparse attendance in Kashmir. It took a while before the Kashmiris learned about the lightning changes that had been imposed upon them. But a mood of triumphalism is evident across the country, which is resistant to an informed and tempered national discussion on the changed status of J&K. Reports of protests and police action from the Valley have largely been dismissed by the Centre.

The revocation of the special status of J&K has the support of the majority of the political community outside the Valley, although the decision is under judicial review. The government and other supporters of the move continue to argue that the people in Kashmir have been freed from the political families that held power at their cost, that investments will flow in, jobs will multiply, women will get equal status as men in terms of inheritance and the Scheduled Castes and Scheduled Tribes will benefit from nationally mandated reservation. Unfortunately, discussions on these points in the last one month have been going on with little or no representation by the people of Kashmir who are the supposed beneficiaries. That they were not taken into confidence before the decision was made was bad enough, but what is worse is the continuing restrictions on free speech. The elected Mayor of Srinagar and a doctor who spoke out about the risk to lives due to restrictions were promptly detained. The reports that emanate from the Valley in recent days, patchy as they continue to be, point towards increasing alienation among the residents. Ironically, the most disappointed are those who believed that Kashmir's future would be secure within India. The Centre needs to reassure them that the change of status is not to the detriment of the people of Kashmir.

Tending to the heart

Targeting risk factors is key to reducing deaths due to cardiovascular diseases

The reinvention of the wheel can be painful. Taking lessons from those who have already run the wheel several revolutions and tweaking those lessons for domestic conditions might not be a bad idea. For India, there is indeed valuable learning from the results of the Prospective Urban Rural Epidemiology (PURE) study published in *The Lancet* this week. Studying the situation in 21 countries across five continents, categorised by income levels, researchers showed that while cardiovascular disease (CVD) is the leading cause for death overall, there have been some transitions, particularly in the high-income countries, which have managed to reduce the number of deaths from CVD. In low-income countries, including India, however, CVD is still the top killer, with death three times more frequent than that due to cancer. What flies in the face of logic is that the risk burden of CVD-linked mortality is inversely proportional – lower risk but higher mortality in low-income countries, and higher risk but lower mortality in high-income countries. PURE's analysis concluded that the higher mortality in poorer countries was likely due to other factors, including 'lower quality and less health care'. Access to affordable, quality health care is still a dream in many pockets in India. A great amount of out-of-pocket expenditure (according to Health Ministry data for 2014-15, nearly 62.6% of India's total health expenditure) often frustrates continuation of treatment, or adherence to drug regimens. While some States have shown limited successes with government-sponsored health insurance schemes, the Centre's Ayushman Bharat Yojana will have to take much of the burden of hospitalisation for complications of non-communicable diseases. National and State schemes running on mission mode, including the National Programme for Prevention and Control of Cancer, Diabetes, CVD and Stroke will have to step up efforts to target people at risk with life-saving interventions.

While most of the predominant risk factors for cardiovascular disease present no startling medical revelation, it is significant that the single largest risk factor is a low education level. It is no doubt part of the job description of the National Programme to modify this risk factor. However, governments will have to muscle up to tackle a rather startling finding – ambient air pollution and indoor air pollution have an impact on CVD and mortality. Household air pollution is the third top risk factor in low-income countries, according to the study. The need of the hour is out-of-the-box solutions combined with inspiration from models of those who seem to have belled this particular cat. Any plans that target the risk factors and prevent the onset of non-communicable diseases will clearly have to be truly game-changing, and incorporate the environmental angle as well.

Jurisprudence of the judicial rubber stamp

A close reading of UAPA Tribunal orders shows how fundamental principles of fair procedure are being given a miss



GAUTAM BHATIA

Last month, amendments to the Unlawful Activities (Prevention) Act ("UAPA"), India's signature anti-terrorism legislation, allowing the Central government to designate individuals as "terrorists", caused a furor. Critics warned that vesting such sweeping powers in the hands of the political executive would prove to be a recipe for abuse, and for political and social persecution. In response, it was argued that the UAPA provided for a system of checks and balances which would ensure that governmental abuse could be swiftly reviewed and rectified.

What the UAPA requires

To what extent is this argument well-founded? A look at how the UAPA functions presently suggests that the defenders of the law are too optimistic in their faith in "institutional correctives". Before the 2019 amendments, the UAPA could be used to ban associations and not individuals. To this end, the UAPA required, and still requires that the ban must clearly set out the grounds on which the government has arrived at its opinion; and it may then be contested by the banned association before a Tribunal, consisting of a sitting High Court judge. As a number of judgments have held, the task of a UAPA Tribunal is to carefully scrutinise the decision of the government, keeping in mind the fact that banning an organisation or a group infringes the crucial fundamental freedoms of speech and association.

A close reading of UAPA Tribunal orders makes it clear, however, that the requirement of judicial scrutiny is little more than a parchment barrier. In allowing the government vast amounts of leeway in proving its case, tribunals depart from some of the most fundamental principles of fair procedure, and act as little more than judicial rubber stamps. And this is made starkly evident by a recent UAPA Tribunal Order (issued on August 23, 2019) confirming the government's ban on the Jamaat-e-Islami, Jammu and Kashmir ("JeI, J&K").

Sealed covers and evidence

The government's ban on the JeI, J&K was based on its opinion that the association was "supporting extremism and militancy", "indulging in anti national and subversive activities", and activities to "disrupt the territorial integrity of the nation". In support of this opinion, the government said that there existed a large number of First Information Reports ("FIRs") against various members of the association. Among other things, the JeI, J&K responded that for almost all of the FIRs in question, the people accused had nothing to do with the association. This, it was argued, could be proven by looking at the association's membership register, which had been seized by the government.

One would think that such a case can be resolved straightforwardly: had the government managed to prove that there existed sufficient evidence of wrongdoing against members of the JeI, J&K, that would justify banning the organisation altogether. It is here, however, that things began to get murky because the government then fell back on the increasingly convenient "sealed cover jurisprudence", submitting material that it claimed was too sensitive to be dis-



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closed. Notably, the evidence was not disclosed even to the association and its lawyers, who were contesting the ban.

Now, it would appear to be a very basic principle of justice that if an association is to be banned for unlawful activities, then the material on the basis of which that ban is justified is put to the association so that it has a chance to defend itself. To take a decision on the legality of a ban by looking at secret material that is withheld even from the association itself is exactly akin to condemning a man unheard. It is kangaroo-court style justice, which has no place in a modern democracy. However, this is exactly what the Tribunal did.

Justice Chander Shekhar observed that he had "opened the sealed covers and carefully examined each and every document", and that it was convinced that these were "credible documents." To this day, neither the association nor anyone reading the Tribunal's opinion has any way of knowing what the evidence was. In essence, therefore: the fundamental freedoms of speech and association have been violated on the basis of secret evidence passed from the government to the Tribunal; an association numbering in at least the thousands has been shut down for five years, and all its members made potentially unlawful, potentially criminally without even being told why.

Steaming back into the Indo-Pacific

Russia could be imagining a greater role for itself in reshaping the region's geopolitics



ZORAWAR DAULET SINGH

ferent course. As the 1960s unfolded, the Sino-Soviet ideological struggle culminated in an ugly spat in the Communist world. Ironically, both New Delhi and Washington perceived that trend differently and with contrasting ends in mind.

A multipolar world

For Anglo-American policymakers, a long cherished dream of isolating Russia and pulling China back into their orbit became a reality. For India, the spectre of an unfriendly China being checked through a shared understanding with Washington and Moscow fell by the way side, and New Delhi was compelled to imagine new approaches to safeguard its interests and security. By 1969, the bipolar system had cracked open into a multipolar world. The U.S. and China were on the cusp of a rapprochement while New Delhi and Moscow had established strategic understanding at the highest level to respond to this disconcerting global re-alignment. December 1971 reaffirmed the new multipolar world with the Soviet Navy entering the Indian Ocean to stymie the Anglo-American attempt to disrupt India's military operations during the liberation of Bangladesh. That seminal period laid the foundation, as External Affairs Minister S. Jaishankar alluded to in Moscow last week, for a four-decade relationship that withstood further disruptions in international politics, including the end of the first Cold War in 1989 and the disappearance of the Soviet Union in 1991.

If we fast forward to recent years, historical patterns continue



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to have a robust afterlife. The U.S.-Russia-China triangle still contains complex and counter-intuitive dynamics that often get obscured or distorted in India's strategic debates.

Complex dynamics

Despite the Donald Trump administration's posturing on China and its attempt to redefine the terms of that relationship, we do not yet see a credible and sustainable strategy to respond to China's rise. And growing Sino-Russian relations have not led to any fundamental reassessment in the U.S.'s thinking. In recent years, whether on the U.S.'s attempts to pressure North Korea or security in North-east Asia or conflicts in the Middle East we have abundant evidence of Moscow and Beijing providing psychological and diplomatic support to each other. Even potentially contentious issues such as their Eurasian integration visions, that is, Russia's Eurasian Economic Union and China's Belt and Road initiative, have been projected in a spirit of co-existence and mutual respect, often disguising deeper questions of power and ambition. It is not that Moscow is oblivious to Beijing potentially squeezing Rus-

sian influence from parts of Eurasia but that Moscow's calculus is also shaped by the strategic necessity of a mutually beneficial partnership with Beijing in order to counter-balance a rigid and unfriendly West.

The Russia-China relationship is presently guided by, as Dmitri Trenin suggests, the principle of "never being against each other, but not necessarily always with each other". This formula "puts a premium on a solid partnership between Moscow and Beijing where their interests meet, eschews conflicts where they don't, and allows a lot of flexibility where interests overlap only partially". For instance, we saw this nimbleness at the UN Security Council when Russia and China were on opposite sides in reacting to India's new Kashmir policy.

The Asia pivot
When mainstream American policymakers look at the big power triangle of the U.S.-China-Russia, their unconcealed prejudice and geostrategic preferences are apparent to all. The door is still very much open to China whom the West would like to wean away from Russia to arrest America's deteriorating global position. New Delhi, of course, like in the 1960s, would prefer the opposite outcome: to wean Russia away from China or more realistically provide Russia with more options in its Asia pivot. Mr. Jaishankar's remarks at the prestigious Valdai Club in Moscow made such a case for the next chapter in India-Russia ties. In essence, he asserted that Asia's multipolar age has arrived; that the Indo-Pacific is not

restricted to one conception: he distinguished India's independent approach that includes stable ties with Beijing from the U.S. concept that some interpret as "Chinese containment on the cheap"; and most importantly, Russia being a Pacific power with interests in the Indian Ocean should join the debate.

In substance and without ruffling Beijing's feathers, Russia is already shaping the geopolitics of the Indo-Pacific. It has managed the rare feat of deep cooperation with rival parties in the South China Sea disputes. As Alexander Korablev, a scholar at the University of New South Wales, notes, the "Russia-Vietnam partnership should not be underestimated, because it has been growing despite and independently of Russia-China relations". Indeed, once Russia's advanced military and naval modernisation assistance towards Indo-Pacific states such as India, Vietnam and Indonesia, along with Russia's own underrated Pacific Fleet whose area of responsibility extends to the Persian Gulf is accounted for, Moscow is already a player in Eurasia's Rimland areas.

Having been reassured that India is not bandwagoning with the U.S. and genuinely believes in open and inclusive security and order building ideas, Russia could now begin the process of imagining a role in the Indo-Pacific that brings its vast diplomatic experience and strategic heft into the open.

Gautam Bhatia is a Delhi-based lawyer

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.

Emeritus professors

The administration in Jawaharlal Nehru University has shown great disrespect to its emeritus professors by asking for their curriculum vitae for evaluation. The move seems to have its roots in vendetta politics in order to target critics of the government. Nowhere has the government dared to ask such a thing from politicians. It is ludicrous that a renowned institution has stooped so low when the professors have given their all to build the institution academically. The committee that thought of this outrageous

ordinance should understand that a distinguished academic position comes with hard work and dedication unlike what happens in the murky world of politics. The university should draft a letter of apology.

JANGA BAHADUR SUNWAR,
Bagraokote, Jalpaiguri, West Bengal

■ The demand for CVs is shocking; the distinguished teaching fraternity should not be subject to this. It is an attempt to harass and humiliate them. Their prolonged and selfless service is sufficient proof of their worthiness. Dissenting voices have to be heard in a

pluralistic society to cherish the legacy of democracy.

CHANGHAL NANDY,
Durgapur, West Burdwan, West Bengal

Kashmir policy

The Central government appears keen on adopting a carrot and stick approach in Jammu and Kashmir, if the pronouncements of the Home Minister are an indication (Page 1, "Amit Shah seeks to reassure Kashmiris", September 4). Beefing up the presence of security forces and the Indian Army in the Valley, diluting Article 370, converting a State into a Union Territory, placing local leaders under house arrest,

and snapping communication links for days on end were measures that indicated the government's inclination to use the big stick. Now that the objectives have been "achieved", the application of a "salve" could be an indication that the government is keen to win back confidence. But how far this will succeed remains to be seen.

C.V. ARAVIND,
Bengaluru

Rerailing the economy

The economy is sluggish and unless corrective actions are taken, there could be recession. Falling private

consumption has drastically reduced demand in all major sectors. The deliberate attempt by the government to push through radical reforms in taxation and regulation has had a debilitating affect on the economy. Scant job prospects in government and

public sector units are also a factor. Government job creation has a multiplier affect on the economy. Major employment sectors need focus and assistance.

GAGAN PRATAP SINGH,
Noida, Uttar Pradesh

MORE LETTERS ONLINE:
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CORRECTIONS & CLARIFICATIONS:

A front-page report headlined "IAF inducts 8 Apache attack helicopters" (Sept. 4, 2019) erroneously said in the photo caption and text that the Apaches would be part of the 125 Helicopter Unit at Pathankot. It should have been 125 (H) Squadron, AF.

In a Business page story headlined "Mondelez to strengthen presence with Oreo" (Sept. 1, 2019), the name of the company should be corrected to read Mondelez India Foods Pvt. Ltd. Mr. Sudhanshu Nagpal's designation should have been Associate Director - Marketing (Biscuits).

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