



Heavy-handed order

The contempt law must not be used, or seen to be used, to stifle dissenting views

The Meghalaya High Court's order finding the Editor and Publisher of *Shillong Times* guilty of contempt, and asking them to "sit in a corner" till the rising of the court and imposing a fine of ₹2 lakh each, is a heavy-handed response to comments in the newspaper on the court's earlier orders. What makes the order even more unfortunate is the explicit threat to ban the newspaper and jail them if they fail to pay the fine. While courts are indeed empowered to decide whether a publication scandalised or tended to scandalise the judiciary or interfered with the administration of justice, there is no legal provision for an outright ban on it. The origin of these contempt proceedings appears to be the State government's unilateral decision to withdraw certain facilities to retired judges without consulting the court administration. After the matter was not resolved on the administrative side for two months, the court initiated *suo motu* proceedings and issued some directions. It was because of a news item, accompanied by a commentary on the court's directions, that the contemptors had incurred the court's displeasure.

The offending comments appeared to imply that the directions regarding extending facilities, including protocol services and domestic help, and reimbursing communication bills up to ₹10,000 a month and a mobile phone worth ₹80,000, to retired judges amounted to "judges judging for themselves". It is a moot question whether the court ought to have taken umbrage at this remark or ignored it. It would serve the cause of preserving the dignity of the higher judiciary if overzealous comments made by activists or journalists were ignored. In 1999, the Supreme Court had brushed aside some adverse remarks by activists by saying, "the court's shoulders are broad enough to shrug off their comments." However, in the case of Patricia Mukhim, the Editor of *Shillong Times*, the court has made sweeping remarks that the newspaper had always attacked individuals and institutions, had published propaganda calling for bandhs and "was always working against judges and the judicial system". The defence argued the court should frame specific charges before convicting them for contempt. However, the matter was tried summarily. While it is open to the court to try a case of contempt in a summary manner, the use of personalised views of the publication's past record to hand down the verdict puts a question mark over the decision-making process. While there may be a need to curb tendentious criticism of the judiciary and self-serving comments on ongoing proceedings in mainstream and social media, there is a compelling case to use the contempt law sparingly, and avoid the impression that it is being used to stifle free speech or dissent. Lenience, not anger, ought to be the primary response of a detached judiciary.

In slow mode

Manufacturing, inflation data give monetary policy makers room for an interest rate cut

Manufacturing activity in the country continues to remain becalmed. The latest Index of Industrial Production data show that output across the broad sector expanded 1.3% in January, a clear loss of momentum from the 3% pace in December and a drastic slowdown from the 8.7% growth seen in January 2018. Overall, industrial output growth slumped to 1.7%, from 2.6% in December, and 7.5% a year earlier, as production in 12 of the 23 industry groups that comprise the manufacturing sector shrank from a year earlier. These are quick estimates that are likely to be revised. But the fact that key job-creating industries, including textiles, leather and related products, pharmaceuticals, rubber and plastic products, and motor vehicles, reported contractions hardly bodes well for the real economy. A look at the use-based classification of industries also gives little cause for cheer. Capital goods, a closely watched proxy for business spending plans, contracted 3.2%, a telling contrast with the 12.4% expansion posted 12 months earlier. A sustained revival on this vital front may still be some time away. A recent survey by IHS Markit of business activity expectations, conducted over two weeks in the latter half of February, shows that Indian businesses plan to curb outlays on hiring and capital spending, with sentiment on capex at a one-year low. And growth in consumer durables output was an anaemic 1.8% (7.6% in January 2018), another clear sign that spending on consumption of non-essentials remains in search of favourable winds.

If the IIP poses cause for concern, retail inflation data hardly provide much reassurance. While price gains measured by the Consumer Price Index accelerated to a four-month high of 2.57% in February, it is the persistent deflationary trend in the prices of some farm items that is deeply disquieting, reflecting as it does a collapse in pricing power in the agrarian heartland. Vegetables, fruits and pulses and products all posted negative rates of inflation from a year earlier, of -7.69%, -4.62% and -3.82% respectively. While urban consumers may cheer the increased affordability of vegetables and fruits, rural demand for manufactured goods will remain depressed unless there is a meaningful turnaround in the farm sector's economic fortunes. Looking ahead, with Saudi Arabia committed to deepening its production cuts in order to keep crude oil prices well-supported, it appears unlikely that India's fuel and energy costs will stay soft for much longer. And with political parties sure to open the spending spigot in a bid to woo voters, inflationary impulses will quicken. For now, though, with growth slowing and inflation still comfortably within the Reserve Bank's 2%-6% target range, monetary policy makers would feel justified in pressing ahead with one more interest rate cut at their meeting next month.

Down, but definitely not out

On the verge of being wiped out territorially, the Islamic State still poses a big challenge to intelligence apparatuses



R.K. RAGHAVAN

As the fight against the dreaded terrorist group, the Islamic State (IS) is drawing to a close, issues such as the future of terrorism in West Asia and beyond and concerns about the human rights of those who had been wittingly or unwittingly drawn into the vortex of such movements offer food for thought.

Lost sheen

Credible reports point to the IS nearing extinction. What was once described as a formidable 'Caliphate' of enormous wealth and with huge potential for expansion is now just a dot on the soil of Syria and Iraq. Ever since it lost control last year over two major cities, Raqqa (Syria) and Mosul (Iraq), it has lost its sheen. For once the U.S.'s strategy of forming a coalition of forces, styled the Syrian Democratic Forces (SDF), seemed to have paid off. Added to this was the master stroke of drawing substantially on the talent of determined and dedicated Kurdish fighters.

A small number of hardened IS men is likely to be still hiding in the Baghouz area of Syria to offer a semblance of resistance. The SDF has taken its own time to wind up the operations there, with a view to ensuring the orderly evacuation of civilians holed up and awaiting their rescue from the IS's clutches.

Reports are that the nearest safe sanctuary for refugees, at al-Hol in northeast Syria, is now more than 60,000 strong, with women and children constituting the majority.

The temptation, however, to dismiss the IS as one of those upstarts which make an appearance once in a while in modern history and offer no lessons for the future has to be resisted. This is because the pull internationally for the IS was undeniably greater than for al-Qaeda. It projected a tighter hierarchy and structure, though in a smaller geography, and drew thousands of volunteers from different nations. The impact of this assembly of men and women, at times across religions, was lethal beyond belief. This model of organising people solely to unleash terror after acquiring formidable human and material resources — oil and government treasuries in the IS's case — could be expected to inspire all those playing the card of Islamic extremism.

Shamima's story

However powerful the message of violence and savagery that the IS sent during the past few years may be, there are facets of individual tragedy intertwined with the sordid movement that cannot be lost sight of. For example, the story of Shamima Begum, a British-born teenager who in 2015 fled with two friends to join the IS, stands out here for its uniqueness and excessive human misery.

Begum, 19, was in the news recently. Of the other two, one died in a bombing of Raqqa city, while there is little information on the third. Of Bangladeshi parentage, Begum was stripped of her British



citizenship last year because of her IS links. In the past few months she had expressed her desire to return to her home country, obviously after being disillusioned with the IS, and mainly to seek medical treatment for a child who was ailing but subsequently passed away. Begum, who is "married" to a Dutch IS fighter, has said that she lost two other children. The Dutch fighter, 27, is now under detention in a neighbouring prisoner camp.

No re-entry

The U.K. Home Secretary, who said Begum had been denied permission to re-enter the country, has been criticised for his alleged disregard of the human rights of a young British mother now in distress. The ruling against her being let back into the U.K. highlights the modern dilemma of how exactly to blend compassion with the need to combat terror relentlessly in parts of the globe. There is the charge that the U.K. Foreign Office did not act fast enough to rescue the child, who was entitled to U.K. citizenship. In its defence, the Foreign Office is said to have taken the stand that there were too many risks involved in sending a team

to Syria for this purpose.

Begum is one of several IS followers in Syria and Iraq who are anxious to return to their respective home countries, but cannot do so because of the hard stance of their governments against their repatriation. These governments, mostly in Europe and nations with a Muslim minority, such as Germany, France and Belgium, believe that there is no place for mercy for their citizens who left their homes consciously in order to join terror organisations. This uncompromising stand seems cruel against the backdrop of credible accounts of IS women volunteers being subjected to slavery and sexual abuse.

In the final analysis, the IS saga provides a case study of how the draw of terrorist ideology can gain strength, expand and then evaporate at equally fast speed. We know that extremism of any kind — including Naxalism in India — is a magnet for some young minds. The heady cocktail of a spirit of adventure and frustrations early on in life is what spurs youngsters such as Begum, and no amount of censorship or counselling, either online or in forums such as places of worship, can wean them away. Equally true is a case of swift disenchantment.

Shadow in the background

It is too soon to conclude that the IS is past history. Governments are quite conscious of the gaps in their border control measures which have enabled some IS cadres to sneak back into their home countries. This is analogous to what happened soon after the decline of al-Qaeda following Osama bin Laden's death. The infiltration, even

if it is a trickle, could be extremely dangerous if one considers the insidious nature of the sleeper cells of many terror groups which remain undetected for several years but come to notice only after their involvement in deadly operations, examples being the 9/11 (New York City in 2001) and 26/11 (Mumbai in 2008) attacks. Significantly, the Iraqi President, Barham Salih, went on record a few days ago to say that although the 'Caliphate' has been eliminated, there are sleeper cells and extremist groups on the Syrian border which need to be taken care of.

The presence, however, of sleeper cells alone may not be sufficient for terror groups to gain ground. Experience in West Asia is that an unstable internal security situation contributes greatly to the growth of terrorism. A civil war such as the one in Yemen is conducive for even a small group to showcase its philosophy. Afghanistan is another example of a disturbed scenario that lends fodder to groups such as the Taliban. Pakistan is in the same boat, with the active assistance of its own variant of the Taliban and organisations such as the Jaish-e-Mohammad and the Lashkar-e-Taiba.

It is this scenario that cautions against any optimism with regard to the IS and its future. That organisation, in its present format, may not rear its head in the future. But its followers who have exited Iraq and Syria can find ready acceptance elsewhere. This is a real challenge to intelligence apparatuses the world over.

R.K. Raghavan is a former CBI Director. The views expressed are personal

The need for constitutional courage

The Ram Janmabhoomi-Babri Masjid dispute is a title dispute, not a religious one



APOORVANAND

The Supreme Court's decision to appoint a panel of mediators to resolve the long-standing Ram Janmabhoomi-Babri Masjid (Ayodhya) dispute is deeply problematic. By taking this route, the court has given the impression that the dispute is best solved outside the legal domain. In a very short span of time, the court has moved from its position of treating this as a title dispute to a matter involving religious sentiments. It has not explained what led it to change its stance, especially since mediations that have taken place in the past have failed.

Ambiguity in the court

The idea of mediation was mooted in 2017 by a Bench headed by the then Chief Justice of India, J.S. Khehar. The Bench had suggested that the issue was much larger than ownership of land, and that mediation might help in "healing relations". After Justice Khehar,

Chief Justice Dipak Misra insisted on treating it as a land dispute only. Now, the court has again brought back sentiments into the legal discourse. This wavering and ambiguity in the court has accompanied the case all along.

Sentiment is a problematic word, especially when there are two political sentiments competing with each other. This is not a question of the majority community feeling deprived of a temple at the birth place of Lord Ram. On the other hand, it is a majoritarian political ploy masquerading as religious sentiment. This is a ploy to subjugate the minority Muslim community further, by playing a symbolic game. In this game, the numbers are stacked against Muslims. Lazy common sense holds that the minority must understand the 'historical injustice' done to Hindus by their ancestors and atone for it by leaving the site for them.

Moreover, even if we accept the notion of contending sensitivities, one must not ignore the sentiments of those Hindus who do not consider this issue as one that defines their identity. There are also many Hindus who would not like a temple to come up in Ayodhya by displacing a mosque. How will



these myriad views be represented in the mediation process, which began on March 13 in Faizabad? By creating two neat sides, the court has validated the claim of the Rashtriya Swayamsevak Sangh and its political arm, the Bharatiya Janata Party, and weakened the position of the Hindus who contest this division.

The Ram Janmabhoomi-Babri Masjid issue was never religious. The BJP has always included the promise of constructing a Ram temple in its election manifestos over the years. L.K. Advani's 1990 rath yatra not only led to the eventual demolition of the Babri Masjid, but expanded the national footprint of the BJP. The campaign was aimed at denigrating Muslims and entrenching their 'foreignness' in the minds of Hindus by us-

ing the figure of Babar.

Since the court has itself digressed from the brief before it, one can ask why it did not think it necessary to first address the criminality of an act in 1949, when the idol of Lord Ram was placed in the Babri mosque on the night of December 22, which happened much before the demolition of the mosque itself. Also, the bloodletting accompanying the demolition of the mosque cannot be dissociated from the act. Why is it that the issue of sentiments is given primacy and not the criminality of the act, when the court is equipped to address the latter? Why is the court wading into the mediation route yet again after so many years of hearing, and when the time is right for taking on majoritarian audacity?

Selection of mediators

Further, the eight-week time limit for the mediators coincides with the election campaign period and ends just before voting ends. It is not difficult to see which party will use this in its favour. If the mediation committee fails to come to a consensus, this could be used to fuel anger in Ayodhya once again, against both Muslims as well as the court.

It is not just the idea of mediation but the selection of mediators that casts a doubt on the process. While Justice F.M.I. Kalifulla is a retired Supreme Court judge and senior advocate Sriram Panchu has been instrumental in making mediation a part of India's legal system, what are Sri Sri Ravi Shankar's qualifications? He has not only flouted laws himself but has espoused the cause of a temple at the disputed site on multiple occasions. He is the one who said we will have a "Syria in India" if the Ram Mandir issue is not resolved soon. By no standard does Mr. Ravi Shankar qualify to be a mediator. A mediator is expected to be open-minded and fair, and if we go by his controversial statements, it looks doubtful whether he'll be independent.

At times like this, we expect the apex court to uphold constitutional morality. It does not help in a political dispute to replace the constitutional route with a "humanitarian" one. The sentiment of the court to "heal relationships" is laudable. But it is only constitutional courage that can steer us through these troubled times.

Apoorvanand teaches Hindi at Delhi University

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.

Support this reform

Women's reservation is a long-pending electoral reform which cries out for attention. Political parties talk of women's reservation during the time of elections, but once the dust settles, settle down to business as usual. The Women's Reservation Bill has not yet been passed by Parliament for reasons best known to the political class. But the main reason is obvious — the male-dominated political class does not want to share the spoils of power. With women now an important part of every field, one is sure that the party which promises women's reservation is sure to get women's support. In this connection, one waits to see how the Trinamool Congress's move plays out ("Mamata surprises with 17 women, 17 new faces", March 13).

SRAVANA RAMACHANDRAN, Chennai

Help the voter

Apart from new voters, there are also several voter-related categories regarding inclusion, modification, deletion and shifting of names under existing

electoral rolls which are handled under various form categories. Though much of this can also be handled online, one is still compelled to make a physical visit to the nearest voter identity issuing centre. The point is that a voter should be ensured a trouble-free process either to register for the first time or to modify his or her details online. The online enrolment process for new registrations or corrections should be made an on-going process, without the voter being made to wait at the end of a five-year Assembly or Lok Sabha term. Also, as overseas voters still do not have a facility for online voting, the ECI should think of a strategy to conduct EVM-based polling in tandem with Indian Embassies and Consulates, and maybe even UN offices.

VARUN S.D., Bengaluru

Congress's woes

The exodus of Congressmen from West Bengal, Maharashtra, Uttar Pradesh and Bihar to join the Bharatiya Janata Party ahead of the Lok Sabha elections does not bode

well for the 'grand old party' (Page 1, "No tie-up, coordination with Congress, says Mayawati", March 13). With more Congressmen likely to switch loyalties in the coming days, the picture does not look rosy. Also, with Bahujan Samaj Party chief Mayawati declaring that her party will not have any truck with the Congress, the road ahead looks tough. Amid all this drama, is the BJP set to steal the thunder again?

N.J. RAVI CHANDER, Bengaluru

For the voter to ponder

The apprehensions and concerns expressed in the Editorial ("A promise to live by", March 12) — that should the campaign be aimed at communal polarisation, it would be endangering democracy itself — is not misplaced given the way things are shaping in the run-up to the general election. Social media is replete with innumerable innuendos that brazenly suggest that the majority can be safe only under saffron rule and which has even the not-so-naive falling for it. Anyone voicing his fears and

objections against the establishment is branded "anti-national". Social activists are tarred with the newly coined term "urban Naxals" for raising the issues of the oppressed and the downtrodden. This election is definitely more than an exercise to elect a new government. The voter has the duty to elect people who would guarantee the rights under the Constitution to one and all. G.B. SIVANANDAM, Coimbatore

Bringing it alive

For most of us, war, the army, soldiers, terrorist attacks, border skirmishes and deaths are only abstract ideas and words on a page. Most of the time, these are read about and forgotten in a day or two because they are not real enough. But two articles, "Humiliating to be carried on palanquin: ex-aryaman" (Inside pages) and "Too afraid to make a phone call" (OpEd, both March 12), brought to the fore real people and their all-too-real pain and distress. Such stories force us to think. But above all, they put a face to distant events that until then had

only existed on the pages of a newspaper. The human element in these stories makes one realise our own precarious hold on life, and, eventually, our own humanity.

ALPHY PLAKKOOTAM, Hyderabad

At the Kumbh

I am a 24-year-old Argentinian, who visited India recently along with a group of 15 of my countrymen. Delhi was our first destination, but we were headed to Varanasi and then Haridwar, where we would live one of the most sublime experiences of our lives: the Kumbh Mela. My vision of what it would be had been largely shaped by pictures on Google. However, once we reached, it would be putting it mildly if we said that it was quite an experience. Parts of it were more like Coachella than a religious festival. After several attempts to cross the key bridge were unsuccessful, we decided to do something very Argentinean: integrate ourselves with the musicians who accompanied the parade of floats carrying the sadhus.

Contrary to what we thought, no one insulted us; no one wanted to get us out of there. We would say that in India being a foreigner can evoke something beautiful and pure. In that massive celebration this was even more clear. The Kumbh Mela was an experience difficult to forget. We have returned greatly enriched.

ROCIO PELESSON, San Isidro, Buenos Aires, Argentina

No-go zones

With a growing and aspirational population, there is no doubt that there will be great pressure on forest areas in India ('Life' page, "India's biodiversity-rich zones also 'hotspots' of human impact", March 13). The litany published on March 13 in *PLOS Biology* has relevance and must be seen as a clarion call for policy makers. A no-go zone or a complete restriction on human activity, as suggested by the experts committee, should be followed. This is the only way to preserve these lifelines for millions.

N. VIJAI, Coimbatore

MORE LETTERS ONLINE: www.hindu.com/opinion/letters/