



Home and abroad

India must take its place in the world by privileging universal rights everywhere

Prime Minister Narendra Modi's speech at the UNGA catalogued welfare and development schemes that he had initiated. He sounded like a seer in his call for unity of humanity, but it was his emphasis on Indian diversity that stood out for its remarkable departure from the sort of domestic politics he and his party, the BJP, have come to be associated with lately. India's achievements in housing, sanitation, health care, banking and education are significant, as the PM noted. His tenacious public campaign on issues such as water conservation, environment and girls' education has brought these issues to the centre of the development discourse and he deserves full credit for it. Mr. Modi has consistently presented material development as an end in itself, sometimes ignoring that it might be at the cost of other markers of progress such as expansion of freedoms and equity. This idea is also the explanation of his government's policy on Jammu and Kashmir, as reflected in his own pronouncements and those of other officials, during their diplomatic outreach in the U.S. A Prime Minister's use of a global pulpit to showcase India's progress and diversity to a world that is divided, and deliver a message of unity, would have been inspiring for all Indians. But his UNGA speech sits at odds with his campaign speeches at home, and corresponding administrative measures.

The claim that there can be a neat insulation of internal issues of a country from global concerns is antithetical to the rationale of all global institutions, particularly the UN. Populist politics around the world has sought to privilege national sovereignty over universal values and commitments, slacking off efforts to tackle critical challenges that are transnational. Human rights, democracy and liberty are as much global questions as climate change, health and terrorism. Selective globalisation is difficult to sustain or defend. India cannot aspire to meet global best practices in governance, infrastructure and investment climate on the one hand and on the other, choose to overlook soft power attributes such as tolerance, pluralism and diversity. Pakistan Prime Minister Imran Khan's bluster on Kashmir and the implied threat of a nuclear war were irresponsible and over the top, but that is beside the point. India cannot wish away questions regarding Kashmir at international fora. The best – and the only way – to keep domestic issues domestic is to resolve them through internal dialogue and accommodation. Tamil poet Kaniyan Pungundranar's verse *Yaadhum Oore Yaavarum Kelir* – all places are our own, everyone is our kin – that Mr. Modi cited to underscore India's ancient faith in universalism is a tenet far from fulfilment, but worth striving for. Deviation from it could be detrimental, and would have consequences at home and abroad.

Trust deficit

Failures such as PMC Bank's must be pre-empted to retain public faith in the system

It has been a nightmare of a week for thousands of customers of the Punjab and Maharashtra Co-operative Bank (PMC), who were told last Tuesday by the Reserve Bank of India that no more than ₹1,000 could be withdrawn from their accounts for a period of six months. The 35-year-old lender may not be the first but is certainly one of the largest urban co-operative banks facing this clampdown. The resultant distress is also more widespread as the bank, with a large footprint in Maharashtra, is also present in Delhi, Goa, Gujarat, and Karnataka. Strikingly there was no ostensible sign of distress to trigger the bank's virtual collapse, following the regulator's intervention. Things were going swimmingly as per its latest annual report, with deposits growing nearly 17% year-on-year to ₹11,617 crore by March 2019, with long-tenure savings accounting for the largest chunk. Profits, in a tough year for banks, were flat, and while bad loans more than doubled, their proportion was far lower at PMC than at most public sector banks. Given this backdrop, the bank's depositors, who ironically include the RBI's own employees' co-operative, are understandably perturbed about the fate of their savings. The RBI has said it is acting in depositors' interests after 'financial irregularities, failure of internal control and systems of the bank and under-reporting of exposures' came to its notice and on Thursday, raised the withdrawal limit to ₹10,000 per account, stressing this should allow 60% of its depositors to recover their entire savings. The RBI must still explain what made it increase the withdrawal limit ten-fold within 48 hours, lest it be seen as a politically weighted move ahead of the Maharashtra election.

Questions have been raised on the bank's large exposure to Housing Development and Infrastructure Limited (HDIL) which is itself undergoing insolvency proceedings. The bank's chairman had served on the board of the HDIL for ten years between two long stints at the bank, and any irregularities in loans to the firm would be an indictment of the quality of oversight on banks. That the RBI shares regulatory responsibilities over such banks with States' Registrar of Co-operative Societies further mires the problem. With over 1,500 urban co-operative banks operating in the country, and a few of them already under RBI-imposed restrictions, a new road map is essential for their future course. Perhaps the only major gain from demonetisation was the deployment of public savings into the formal financial sector. But failures like PMC Bank can quickly erode that. Time-bound, transparent action to fix the PMC mess and a systemic overhaul is necessary to prevent cash from moving back below household mattresses.

Strictures in the name of security

The curfews, detentions and lockdown in Kashmir have only made the border, and our forces, more vulnerable



RADHA KUMAR

The Narendra Modi administration has used a number of arguments – security, economic and welfare – to justify its new Kashmir policy. While the economic and welfare arguments have been shown to be based on little or false information, and the Modi administration's actions have been challenged on both human rights and constitutional grounds, there has been relatively little discussion, let alone analysis, of the security argument.

This lacuna is surprising given how often the security argument is parroted, especially on our television channels, and accepted as beyond question. Indeed, national security is a critical concern, not only for policymakers, but also for our ordinary citizens. That is why official assertions regarding security need to be examined and, if necessary, questioned.

Placing limits on rights

The key question is whether, and at which point, security imperatives can supersede democratic and human rights. Some will argue 'never', though it is generally accepted by most democracies that there might be occasions when security threats require some limits to rights. The issue has been hotly debated in the U.S. and Europe, generally in relation to surveillance and privacy rights. Whichever side those governments and their institutions come down on,

the debate is vociferous, public and subjected to scrutiny in terms of the nature and scale of the security threat. Where do we stand in comparison?

On Jammu and Kashmir (J&K), the official argument is that the dilution of Article 370 and demotion of the State to two Union Territories will enable better security. It is also argued that preventive detentions, curfews and a communications lockdown are necessary to prevent a security deterioration. The two appear contradictory: if the first slew of measures enables better security, what was the need for the second slew of measures? Conversely, if the second leads to better security then what was the need for the first?

Ironically, the figures that the Modi administration presented in their submission to the Supreme Court against humanitarian relief petitions actually belie the security claim. From a high of 5,938 incidents of terrorist violence in J&K in 1995, with 2,600 casualties, violence has steadily declined to 365 incidents in the first nine months of this year, with 237 casualties. Surely, these figures do not suggest a major or even imminent security threat. Nor has the Modi administration presented any evidence of a planned attack that might constitute so serious a threat that it could only be thwarted by the lockdown of over six million people.

In fact, the Modi administration acknowledges that the lockdown was necessary because widespread protests against its new J&K policy were anticipated. The government's submission argues that "it was clear" that Kashmiri politicians would oppose the Modi

administration's decisions, "and they would not hesitate to attempt to ensure that the law and order situation deteriorates". In other words, our government foresaw that there would be such enormous opposition to these decisions that it could only be quelled by tens of thousands of additional troops, hundreds of preventive detentions and a massive communications blockade.

Widespread resentment

If that is the case, two questions arise. First, if the administration knew their new J&K policy would be widely, even violently, protested, why did they adopt it? Second, has this new policy made our security more rather than less vulnerable and, if so, in which ways?

Certain facts are inescapable, and pose an immediate challenge for our forces. The Modi administration may not be able to keep the current lockdown in force for any length of time, though it was earlier rumoured it could last for as long as 18-24 months. Even with the lockdown, security forces have not been able to plug the gaps along the border with Pakistan: 60 terrorists have reportedly infiltrated in the past month. Given the widespread resentment not only at what has been done but also the way in which it was done, even the scant support our troops received from local communities may evaporate – indeed the threat of attacks from the rear is likely to rise exponentially.

Beginning 10 years ago, cross-border militants had started becoming unwelcome in the Valley and their sanctuaries were drying up. They might now have renewed sustenance. Moreover, with the



suspension of mobile telephony, intelligence on militancy will be more difficult to collect.

These are formidable challenges for our security forces who have, unfortunately, been pushed back into the line of fire. The Modi administration is trying to compensate with better housing and allowances and there is some discussion within the Army about setting up integrated battle groups, but these would be for cross-border action rather than internal deployment. As defence and strategic analysts have long known, our security forces lack the range of protective equipment needed to deal with internal security, and their spans of duty are so long as to increase the stress that makes so many trigger-happy. We are yet to hear how the Modi administration plans to deal with these challenges. Perhaps we never will.

Cost to the taxpayer

In the meantime, there are other aspects of the security argument to consider. In the past month, at a conservative estimate, Kashmiri industry has lost hundreds of crores of rupees, and the Modi administration has spent hundreds of crores, if we add the costs of

Seeking harmony and moderation in Ayodhya talks

Now that both parties have expressed faith in mediation, the emphasis must be on healing minds and hearts



A. FAIZUR RAHMAN

In a significant move, the Supreme Court earlier this month permitted mediation to resume in the Ram Janmabhoomi-Babri Masjid dispute after its three-member mediation panel informed that some Muslim and Hindu parties were keen on going back to the negotiating table to find an amicable way out of the imbroglio.

This is a welcome development, considering the fact that there was widespread scepticism among the same parties when the Supreme Court mooted the idea in March. While many Hindu groups opposed mediation, the Muslim side questioned the neutrality of one of the mediators, Sri Sri Ravishankar, but agreed to join the process. Unfortunately, despite its best efforts, the panel could not get the parties to come to an agreement.

A pragmatic realisation

Yet, the court immediately granted the parties' request to restart mediation and let it proceed concurrently with the day-to-day hearing. For this, it deserves praise. But the biggest takeaway for the peaceable majority of this country is the eagerness shown by the contending parties in resuming mediation. It subtly points to a pragmatic realisation that excessive reliance on theology may not bring about an amicable resolution to the conflict.

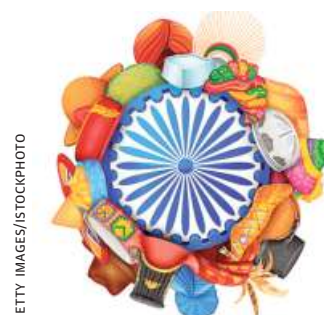
However, the ongoing hearing

in the Supreme Court appears to be meandering around the uncertain pathways of dogmatic certitude eliciting exasperated expressions of suffering from the advocate for one of the Muslim parties, Rajeev Dhavan. During a recent hearing, he indirectly accused the Court of entertaining arguments based on theology rather than legality and concrete proof. It may be recalled that in March, the court was quoted in the media as suggesting that the case was not about a portion of disputed land but "about religious sentiments".

The question here is: should delving deep into conflicting theological positions in a title dispute be conducive to the apex court's genuine desire to "heal minds and hearts" of the disputants, especially when the parties themselves have renewed their faith in the mediation process?

In the *Ismail Faruqi* case, a Constitution Bench of the apex court refused to answer a Presidential Reference under Article 143 asking for its opinion on whether any Hindu religious structure existed prior to the construction of the Babri Masjid. Renowned jurist Nani Palkhivala is also on record stating: "Courts can decide only questions of fact or of law. They cannot decide, and should never be called upon to decide, questions of opinion or belief or political wisdom."

The seeming intractability of this doddering mandir-masjid case lends credence to the view that an adversarial court process grounded in religious sentimentalism may not be the best alternative to a negotiated agreement. A quarter of a century ago, the judges in the



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Ismail Faruqi case presciently underscored this reality. They fervently hoped that "moderate opinion shall find general expression and that communal brotherhood shall bring to the dispute at Ayodhya an amicable solution long before the courts resolve it." Now that several Muslim and the Hindu parties have exhibited their moderateness by renewing their faith in the process of mediation, to taste success they must see to it that the process is kept free of deliberations purely based on faith.

Truth and reconciliation

The Hindu parties, notwithstanding their unshakable views on the exact birthplace of Lord Rama, must try to "heal the minds and hearts" of the Muslims by accepting that what happened on December 6, 1992 was a gross violation of law. Such a gesture would emulate the restorative process mandated in the South African Truth and Reconciliation Commission and would go a long way in assuaging hurt Muslim feelings. Other confidence-building measures may include a legally enforceable assurance to Muslims that, after the peaceful resolution of this issue, no Hindu organisation would

stake claim to any other "disputed" Muslim place of worship in India. The Muslim side too must realise that thwarting a negotiated settlement on the basis of religious beliefs would amount to losing an opportunity to strengthen the entente cordiale.

Neither the Koran nor the authentic statements of the Prophet lend credence to the perception among some Muslims that a mosque, once constructed, will always remain a mosque and cannot be shifted. Such a belief is held only by the followers of a certain Muslim legal school. Many other schools do not subscribe to this idea although they all endorse the fundamental doctrine of the essentiality of mosques in Islam.

The *Majmu al Fatawa* of Hanbali scholar Ibn Bazz contains a fatwa which mentions the shifting of a mosque in Kufa by Caliph Umar "for a particular benefit that called for that." And Ibn Taymiyyah in his *Majmu al Fatawa* states: "It is permissible in public interest to replace a mosque by another one because in some cases such a change can be more useful and beneficial even when the mosque is not fully in a state of disrepair."

With the help of legal devices such as *takhayyur* (selecting from different opinions) and *talfiq al mazaahib* (fusing different legal opinions) Muslim jurists can easily harmonise the doctrines of various Islamic schools to formulate reformist interpretations that are capable of addressing any emergent issue. In fact, Ibn Ashur, one of the great Islamic scholars of the 20th century, argues in his legal treatise *Maqasid al Shari'ah al Islamiyyah* that "It is a shariah imper-

ative to seek to achieve what is beneficial (*masalih*) and avoid what is harmful (*mafasid*) for the community under all circumstances, especially when faced with unprecedented problems and pressing adversity."

For a win-win outcome As for those Muslims who feel that a negotiated agreement with the Hindus would amount to conceding defeat, they should understand that when the Prophet signed the Treaty of Hudaibiyah, several of his close companions, including Hazrat Umar, considered the agreement to be a humiliating surrender to the Meccans. But the Koran called it "manifest victory" (*fathan mubeen*) and ultimately the treaty proved to be of great benefit to the Muslims.

Therefore, in the interest of peace and communal harmony, if the Muslims come to a negotiated agreement with the Hindus which results in a win-win situation for both sides, they would not have gone against the shariah.

The Hindu side, on its part, must realise that for India to prosper, it must listen to Swami Vivekananda, who pointed out more than a century ago: "For our own motherland, a junction of the two great systems, Hinduism and Islam – Vedanta brain and Islam body – is the only hope. I see in my mind's eye the future perfect India rising out of this chaos and strife, glorious and invincible, with Vedanta brain and Islam body."

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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.

Riposte to Imran

A perfect riposte was delivered by the First Secretary in India's Permanent Mission at the UN, Vidisha Maitra, who lambasted Pakistani Prime Minister Imran Khan's views. (Front page, "India slams Imran's 'hate speech' at UN," Sept. 29). Throwing caution to the winds, Mr. Khan talked in terms of 'bloodbath' in Jammu and Kashmir and also referred to the nuclear weapons in Pakistan's arsenal. It is high time the world community takes notice of the belligerence being exhibited by the country. C.V. ARAVIND, Bengaluru

With respect to

Contrary to what Prime Minister Narendra Modi claimed, India, as the largest democracy, has always been held in high esteem by countries around the world (News page, "World respects India more now: Modi, Sept. 29). But the success of a diplomatic tour depends on the achievements made and not on the 'respect' earned. As a large contingent of officials, led by the Prime Minister himself, went to the U.S., expectations were high. However, from the thunderous 'Howdy, Modi!' event to the UNGA session, no tangible progress seems to have been made. That

even a limited trade agreement could not be reached with the U.S. government, and that Mr. Modi's appeal for India's entry to the Nuclear Suppliers Group as a member country also went unheeded, betray failure of the Indian mission. MANOHARAN MUTHUSWAMY, Nabadwip, West Bengal

rate has touched a low 5%. Dividing the nation on the basis of languages and religion is on the rise. For nearly two months, voices of Kashmiris have been gagged. Should the international community honour India for any of these? A. JANULABDEEN, Chennai

is. It is a matter of fact that Patna is a badly planned city. Most of its areas are congested. Concrete roads have weakened soil stability. Now we have boats floating on the busiest roads of the city and water entering households. What makes the situation more tragic is that we are not even getting coverage in the 'national media' (Nation page, "Watery way," Sept. 29). PAWAN RAJ, Patna

Not a foreign tongue I was appalled to read about the Panjab University's proposal to treat Urdu as a 'foreign language' as part of its School of Foreign Languages. Even the Indian Constitution recognises Urdu as an Indian language. Its history and importance to our freedom struggle, and our films and literature, is known to all. I myself have studied Urdu for over seventeen years after my retirement and, for the past four years, have been translating Urdu short stories, including those by writers like Rajinder Singh Bedi and Gulzar, into Marathi – my mother tongue. The university should forthwith discard its absurd, if not mischievous, proposal. SUKUMAR SHIDORE, Pune

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