



A difficult poll

Pakistan's military-judicial establishment has narrowed the choices before voters

The curtains came down on Pakistan's election campaign on Monday, ahead of voting on Wednesday. It brought to an end a bitter political fight bloodied by brutal terror attacks, and darkened by the lengthening shadow of the military and judicial establishment. For more than 100 million eligible voters in Pakistan, the responsibility of upholding democracy hangs heavy. They have braved election rallies as terror groups killed dozens of leaders and supporters indiscriminately. Even as the month-long campaign came to a close, a candidate of the Pakistan Tehreek-e-Insaf was killed in Dera Ismail Khan in a suicide bombing, while another's convoy was attacked in Bannu. Earlier this month, over 145 people were killed at a rally in one single attack in Balochistan, while a suicide bomb attack in Peshawar killed the popular leader of the Awami National Party, Haroon Bilour. The choice before voters has also narrowed: former Prime Minister Nawaz Sharif and several others have been disqualified from the election process on corruption charges, a move that is seen not so much as the outcome of the natural process of justice but of the growing civil-military divide. Polls put PTI chief and former cricketer Imran Khan slightly ahead of Mr. Sharif's successor at the helm of the Pakistan Muslim League (N), his brother Shahbaz Sharif — but Mr. Khan also faces an embarrassing controversy on account of his former wife's tell-all book that portrays him as unstable and dissolute. There were some worries that even the third contender, Pakistan Peoples Party co-chairman Bilawal Bhutto and his father, former President Asif Ali Zardari, could be disqualified over electoral misdemeanours. The mood ahead of the elections has been further vitiated by the rise of extremist and sectarian parties, including one led by 26/11 Mumbai attacks mastermind Hafiz Saeed. These groups may ultimately not fare well in terms of seats, but they have spread pro-jihadi, anti-minority poison through Pakistan's polity that no political party has dared to contest.

The daunting task for the voter is to elect federal and provincial governments that will deal with the big challenges ahead: to steady an economy being crushed by debt to China and by UN financial strictures, to battle growing divides in society and the overwhelming influence of terror groups, to re-establish disrupted ties with neighbours, and to stave off the increasing military influence in the small space that the civilian leadership had been able to establish for itself. It is doubtful that Pakistan has a candidate or party that can hope to do any, let alone all of the above. The voter must also make her choice under unusual restrictions on the media. Yet, the one reason to celebrate these elections is that they are happening at all, marking only the second civilian-to-civilian electoral transfer in Pakistan's history.

Stimulus mode

GST cuts reflect buoyancy, but Centre-States cooperation must be maintained

Unveiling a mini-Budget of sorts in the middle of the financial year, the Goods and Services Tax Council has announced a reduction in the tax rates for over 85 goods. The applicable indirect tax rates on consumer durables such as television sets, washing machines and refrigerators, along with a dozen other products, have been slashed from 28% to 18%. The tax rate on environmentally friendly fuel cell vehicles has been reduced from 28% to 12%, and the compensation cess levied on them dropped. This leaves just about 35 products, including tobacco, automobiles and cement, in the highest tax slab of the GST structure. Rakhs without semi-precious stones, as well as sanitary napkins that attracted 12% GST, have been exempted from the tax altogether. Several other products have been placed in lower tax slabs, including those from employment-intensive sectors such as carpets and handicrafts. On the services front, too, there are important tweaks and clarifications. Overall, industry and consumers may consider these rate cuts, largely on products and services of mass use, as a stimulus to drive consumption ahead of the festive season. It is also a sign that the government has begun the groundwork to woo voters ahead of State and parliamentary elections.

Whichever way one looks at it, the GST Council's 28th meeting has significantly altered the course of the nearly 13-month-old tax regime. Given that GST rates on more than 200 items were already tweaked in past meetings, the original rate structure has been upended to a great extent. The actual impact of these changes on product prices and consumption demand will be visible soon, but the government's confidence in such a rate reduction gambit indicates it is now comfortable with revenue yields from the GST. Estimates of revenue losses from these rate cuts vary widely, but it's too early to fret about the impact on macro fiscal numbers. If implemented well, the revenue lost could be offset by higher consumption that may lead to more investments over time. Moreover, improvements in compliance can be expected from the Council's decision to further simplify paperwork for small and medium enterprises. But there are two major concerns. First, since the new rates are to kick in from July 27, companies may not have enough time to rework pricing strategies and replace existing market inventory, failing which they could face anti-profiteering action. Second, members of the Council have for the first time questioned its functioning and alleged that not all of the changes and rate cuts were placed on the agenda. For a tricky tax that is still a work in progress, distrust between the Centre and the States would make further rationalisation difficult. Such friction must be avoided in a system in which the States have so far worked in tandem with the Centre.

Changing the order of battle

Traditional diplomacy appears to be giving place to big power summitry as the way to get things done



M.K. NARAYANAN

Increasingly, leaders in both democracies and authoritarian regimes are beginning to take a direct role in matters such as foreign policy, even as they preside over the destiny of their nations. Notable among those engaged in summit diplomacy are President Xi Jinping of China, President Vladimir Putin of Russia, and President Donald Trump of the U.S.

A recent phenomenon

Diplomacy is one of the world's oldest professions. Summit diplomacy is, however, a comparatively recent phenomenon. In previous centuries, world leaders met occasionally, and it was the advent of World War II that gave a fillip to summit diplomacy. The U.K., for instance, was aghast when Prime Minister Neville Chamberlain personally undertook a trip to meet Adolf Hitler in 1938, as war clouds enveloped Europe. Summit diplomacy, thereafter, picked up pace as the war progressed, and one of the most vivid pictures of the time (of the Yalta Conference) featured U.S. President Franklin D. Roosevelt, British Prime Minister Winston Churchill and Soviet Premier Joseph Stalin. In the immediate post-war years, however, traditional diplomacy seemed to make a comeback — but more recently, given the inability of traditional diplomacy to sort out intractable problems, summit diplomacy has come into its own.

Summit styles are personal to each leader. One common feature, however, is that Foreign Office mandarins and ministers in charge of foreign affairs are being pushed into the background. Nuanced negotiating stances are no longer the flavour of diplomatic intercourse. Summit diplomacy again tends to

disdain diplomatic rigmarole.

Personal leadership tends to be highly contextual. At times what appears inappropriate could become the norm. Attitudes also change given different situations. While leadership styles may differ, what is apparent is that leaders engaged in summit diplomacy are not unduly constrained by the need to adhere to the Westphalian order.

Strong leaders

Strong leadership and summit diplomacy do not necessarily translate into appropriate responses. Mr. Trump, hardly constrained by diplomatic etiquette, firmly believes in the aphorism, 'what starts with him changes the world'. He hardly ever debates the question, 'what will the world look like after you change it?' He is clearly an advocate of the thesis that 'a crisis by definition poses problems, but it also presents opportunities'. Most of this is, no doubt, anathema to traditional diplomats, but the U.S. President seems to be following in the wake of former French President Charles de Gaulle, 'moving in the direction of history'.

Mr. Putin is less mercurial than Mr. Trump. He is, nevertheless, unflinching in his belief that he has the answers to Russia's problems, and how to take Russia from the low point of the Yelstin years to future glory. Having established an entente with China, he is now intent on raising Russia's stakes in Europe by confronting the North Atlantic Treaty Organisation (NATO), and also hopes to establish itself as a key player in Eurasia. Relations between Russia and the West are possibly at their nadir today, but Mr. Putin believes that he can do business with Mr. Trump, even though there are few others in the U.S. today willing to deal with him or Russia.

At the opposite end is Mr. Xi of China, who is in the process of establishing a new political orthodoxy? Mr. Xi's 'thought' is being



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portrayed as the culmination of a century's historical process and philosophical refinement, produced through an ongoing dialectic of theory and practice, and encapsulating 'traditions' of the Qing dynasty, Maoist socialism and Deng's policies of reform. The chasm between the thought processes of Mr. Trump and Mr. Xi, hence, could not be wider. It would be interesting to see how Mr. Trump, who does not flinch from pursuing a zero-sum policy, ensures that there is no open confrontation with the ideologically oriented Mr. Xi.

What the world is surprisingly discovering is that with many more countries sporting 'maximum leaders' at the helm, summitry can help cut through the Gordian knot of many existing and past shibboleths. It is uncertain at this time whether this is more make-believe than real. The meeting between Mr. Trump and North Korean leader Kim Jong-un, in Singapore in mid-July, is a classic example of 'daredevilry' at the highest level which could only be attempted by leaders cocooned in their own personal beliefs ignoring past history and current problems. The meeting, which the two principals claim to be a success, has certainly lowered the temperature in Northeast Asia, irrespective of what professional diplomats and others believe. It has kindled some hope that North Korea may desist, at least for now, from persisting with its nuclear shenanigans. Doomsday prophets claim that this is only a mirage, but

in the topsy-turvy world that we live in, most people are willing to clutch at any straw that might provide a pathway to peace.

The Trump-Putin meeting held in Helsinki last week, in July, has evoked a similarly negative response from the majority of western countries, especially among the diplomatic and policy-making fraternity. Much of the anger seems directed at the sheer gall of Mr. Trump in rejecting conventional wisdom in the West that Russia is Enemy No.1, and in challenging their beliefs by effecting a meeting with the Russian President. Aggravating their angst further, Mr. Trump has implicitly claimed that the Helsinki meeting was not only a success but in the long run could also prove to be of still greater real value than the association with NATO allies.

The Indian way?

Indian Prime Ministers have also experimented on occasion with variants of summit diplomacy. Prime Minister Jawaharlal Nehru, who was in effect his own Minister for External Affairs, conducted policy discussions with a whole range of world leaders, achieving a mixed bag of results. He was successful as the architect of the Non-Aligned Movement, but met with setbacks in his China policy. In 1988, Prime Minister Rajiv Gandhi ended a 25-year India-China stalemate by personally taking the initiative to reopen talks with Deng Xiaoping and the Chinese leadership. Prime Minister A.B. Vajpayee achieved a temporary respite from cross-border attacks from Pakistan by engaging with General, later President, Pervez Musharraf. Likewise, Prime Minister Manmohan Singh established a fairly successful 'back-channel' with Pakistan, thanks to his brand of summit diplomacy with President Musharraf. In the case of Indian Prime Ministers, what is different is that they did not seek to 'buck the trend', but while going with the flow use their personal credibility

to achieve results.

Prime Minister Narendra Modi is, to all intents and purposes, a firm believer in summit diplomacy. In the past four years, he has circumambulated the globe on quite a few occasions, meeting and discussing foreign policy issues with leaders of several countries, sometimes on more than one occasion.

Unlike Mr. Trump, Mr. Putin or Mr. Xi, he has, however, made no attempt to effect any systematic change in foreign policy, nor talked of establishing a qualitatively new order in the realm of foreign affairs so as to add gloss to Indian foreign policy. Also, unlike Mr. Vajpayee, who set up a National Security Council and established the post of National Security Adviser, he has not created any new institution to give impetus to his foreign policy imperatives. Yet, the informal summits held recently with Mr. Xi (in Wuhan) and Mr. Putin (in Sochi) have contributed to improving the 'fraying' relations with China and Russia.

The issue discussed here is not whether claims of success are true or not, but that summit diplomacy is taking leaders into hitherto uncharted waters, and producing results that traditional diplomacy has struggled for years to achieve — whether they be long-lasting or short-lived. If diplomacy is generally viewed as 'war by other means', then summit diplomacy is changing the 'Order of Battle' in a bid to succeed where all else has failed.

This may have been unthinkable before the turn of the century. The 21st century is, however, demonstrating in many fields that this is the Age of Disruption. There is no reason why disruption in the area of foreign affairs should not alter staid diplomatic practices that were more relevant to the 18th, 19th and 20th centuries.

M.K. Narayanan is a former National Security Adviser and a former Governor of West Bengal

The art of writing a judgment

Judicial academies must focus on equipping trainee judges with skills to write accurate, simple, bias-free orders



RESHMA SEKHAR & AMRITA PILLAI

The fate of the governance of the National Capital Territory of Delhi was decided earlier this month by the Supreme Court. But one had to pore over 500 pages of widely awaited judgment in order to understand the demarcation of powers between the Lieutenant Governor and the elected government. It was yet another reminder about the need for crisp and on-message judgments for many reasons.

First, erroneously drafted judgments that run into pages and which state the same point repeatedly have been called out several times by critics within and outside the judiciary.

For example, the Chief Justice of India, Dipak Misra, received flak for his illegible sentence construction in a 2016 judgment — in *Subramanian Swamy v. Union of India* &

Ors, the second sentence ran into 228 words separated by over six commas and 17 "ands". Whether the crux of the decision can be understood is questionable.

Moral judgment

Second, insensitive comments made in judgments can tarnish the quality of pronouncements. For example, unnecessary remarks have been made on the 'promiscuous attitude' and 'voyeuristic mindset' of a woman in a bail order of a rape case. The Supreme Court has even frowned on a trial court judgment that rationalised how "wife beating is a normal facet of married life". Across the judiciary, there are numerous instances of judgments with similar gender-insensitive remarks. Thus, the need for new judges to master sensitive writing cannot be stressed enough. Third, several judgments do not record submissions or issues raised by both parties, which often results in a reader being unable to make out the link between the legal provisions used to arrive at a judgment and the facts to which they are applied. Lastly, in most judgments, a uniform structure (recording of



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facts, issues, submissions and then reaching the decision) is lacking. Judicial decisions are the law of the land and if the law is unclear, it becomes increasingly difficult to follow or enforce them.

Importance of training

Judicial academies play a significant role in equipping trainee judges to deliver lean, to-the-point judgments. There are now at least four State judicial academies that conduct training. As judgment writing is one of the most requisite skills that a judge should possess, there has to be focussed training in this area. Simple, clear and crisp judgments are vital.

To eliminate bias, training sessions could have diverse socio-economic scenarios which would also help trainee judges apply theories. There can be variations of

the same case scenario and the facts that are likely to induce value judgments. Evaluation and a full class discussion must follow.

Another useful exercise is in re-writing judgments, particularly those that are difficult to understand due to a seeming lack of structure. Trainee judges can be asked to identify structural lapses and rework them. For instance, judgments that do not elucidate upon recorded submissions of parties or legal provisions cannot be understood easily since there is no context as to why a decision was taken.

Judicial education

The attempt towards improving judgment quality (in the form of training sessions on judgment writing conducted by judicial academies) appears to be ineffective as several judgments in lower and higher courts continue to remain verbose. Judicial training must lay emphasis on the need for concise and reasoned judgments.

State academies conduct training (from three months to a year) for entry-level judges, hold refresher courses for subordinate and district level judges, and have

special training for service in special courts such as family and Protection of Children from Sexual Offences courts. Right to Information responses show that there has been no change in their academic calendars in the past five years. Further, the various modes of training remain uncaptured. Finally, very few States conduct post-training evaluation of judges. Judges-in-training do not go to areas of law or management that they want to be trained in. A generic syllabus is thrust upon them.

The pedagogical methodology of training is classroom-like, with little or no post-training evaluation. Judicial academies must focus on practical-based training. In the interim, higher courts and also the Supreme Court must consider summarising the crux of lengthy decisions into a separate official document. Such summary briefs can be uploaded by the Registry along with the judgment which would help the layperson in understanding the main ideas of the decision.

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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.

Another lynching

It is distressing that despite the Supreme Court taking serious note of the wave of lynchings and nudging the government to think of a separate law, this heinous crime continues unabated ("Attackers came with firearms and sticks," July 23). Serious doubts arise. Are the perpetrators who single out a particular community or caste with impunity well assured of protection from those determined to polarise the nation? As a particular ideological front appears hell bent on perilously going back to the Stone Age, the government seems oblivious to the serious impact of such happenings. The Centre's continued indifference to the issue is intriguing. All it has to do is to tighten vigilance in vulnerable areas and ensure that accountability is clearly demarcated. The judiciary,

instead of waiting for a separate law, should fast track lynching cases.

V. SUBRAMANIAN,
Chennai

Trust vote

Congress president Rahul Gandhi could well have earned some trust had he taken a lead from the Telugu Desam Party's well-presented no-confidence motion and talked mainly about Centre-State relations and the federal structure. Instead, his no-holds-barred attack on the government quickly ran into trouble. The piece de resistance was the tasteless hug and the wink. There was nothing to indicate the Congress's strategy to face 2019. However, in the CWC meeting, Sonia Gandhi sounded relatively sober and practical. Ms. Gandhi realises that the Congress does not have the strength to oust the BJP on its own

and thus would be more than willing to concede and cooperate with the other parties. This could perhaps be the only approach to unsettle the BJP in 2019 (Editorial, "Winning trust", July 23).

C.V. VENUGOPALAN,
Palakkad, Kerala

The TDP-sponsored no-confidence motion against the Modi government proved to be an exercise in futility. The Opposition thought that it would have a field day in pinning down the government on issues such as cow vigilantism, other lynchings, economic offences, tardy job growth, GST woes and levies on petrol and diesel, and the slow growth of exports. There was absolutely no need for a no-confidence motion to discuss these issues. A well-conducted parliamentary session with some give and take would have ensured that all these

serious issues could have been discussed threadbare.

NAGARAJAMANI M.V.,
Hyderabad

Better ties

The hegemonic ambitions of both the U.S. and Russia are quite clear, which is why meddling with the election process of the other keeps happening (Editorial page, "Meddlesome and more", July 23). But whatever it is, U.S. President Donald Trump's efforts to restore ties with Russia need to be encouraged and supported as this will lead to a conducive global order.

R. RAMANATHAN,
Coimbatore

Mr. Trump should be congratulated for openly blaming his predecessors' lack of affairs as far as the state of friendship between Russia and the U.S. is concerned. The vibes from Helsinki should be welcomed for their positive diplomatic

signals. Why is the rest of the U.S. unable to accept this?

E. SETHURAMALINGAM,
Kollam, Kerala

The 300 mark

Congratulations to the Readers' Editor for his 300th column. Journalism has always been a prestigious yet challenging profession. However, I think fresh and young journalists, especially when reporting on sensitive issues, often get carried away and allow themselves to advocate their own ideas and view points when they have

CORRECTIONS & CLARIFICATIONS:

The eighth question in "Easy like Sunday morning" quiz (The Hindu Magazine, July 22, 2018) erroneously said a Mercator's map was first presented in 1959. It should have been 1569.

The opening sentence of "The slowdown on row over Section 377" (Who-What-Why-When-Where section, July 22, 2018) read: "Section 377 of the Indian Penal Code criminalises consensual private sexual acts between adults." It should have been consensual private sexual acts between adults of the same sex.

It is the policy of The Hindu to correct significant errors as soon as possible. Please specify the edition (place of publication), date and page. The Readers' Editor's office can be contacted by Telephone: +91-44-28418297/28576300 (11 a.m. to 5 p.m., Monday to Friday); Fax: +91-44-28552963; E-mail: readerseditor@thehindu.co.in; Mail: Readers' Editor, The Hindu, Kasturi Buildings, 859 & 860 Anna Salai, Chennai 600 002, India. All communication must carry the full postal address and telephone number. No personal visits. The Terms of Reference for the Readers' Editor are on www.thehindu.com