



Karnataka conundrum

Converting resignation into a disqualification matter adds new dimension to a political crisis

The Supreme Court's decision to ask the parties to the political crisis in Karnataka to maintain the *status quo* until it examines the questions of law involved, is pragmatic and expedient. The Speaker has been asked not to decide the issue of MLAs' resignation or disqualification. An order has been passed when one of the questions to be decided is whether the court can give such a direction to the Speaker. It now transpires that legislators can be prevented from resigning by claiming that they have incurred disqualification. It was argued in court that "the rebel MLAs are trying to avoid disqualification by tendering resignations." This is astounding, as the penalty for defection is loss of legislative office. Quitting the current post before joining another party is a legal and moral obligation. Defection is condemnable, especially if it is to bring down one regime and form another. But politicians cannot be tied down to parties against their will by not letting them leave even their legislative positions. Even if it can be argued that two MLAs had pending disqualification proceedings against them, what about the rest? They say they tried to meet the Speaker, but could not. They may have been wrong to rush to the court without getting an appointment with the Speaker, but in the few intervening days, their parties issued a whip to all MLAs to be present in the House and vote for the government.

Converting resignation into a disqualification matter is an attempt to deny a member's right to quit his seat in the legislature before joining another party, even if the crossing-over is a politically expedient measure. The logic seems to be that a disqualified member cannot become a Minister without getting elected again, whereas one who resigns can be inducted into an alternative Cabinet without being a member. Accepting a resignation is a simple function of being satisfied if it is voluntary, while disqualification is decided on evidence and inquiry. The two should not be mixed up. The ongoing proceedings represent an increasingly common trend in litigation on constitutional issues: the propensity of the political class to twist and stretch the law in their favour and leave it to the court to set things right. The Speaker already enjoys extraordinary powers under the Constitution. In addition to immunity from judicial scrutiny for legislative matters, such as whether a Bill is a money bill, presiding officers get to decide whether a member has incurred disqualification under the anti-defection law. Though the decision is subject to judicial review, many Speakers have evaded judicial scrutiny by merely not acting on disqualification matters. The question whether the Speaker's inaction can be challenged in court is pending before another Constitution Bench. Telangana, Andhra Pradesh and Tamil Nadu have instances of Speakers not acting on disqualification questions for years. The current crisis in Karnataka has exposed a new dimension to such partisan action.

Warlord and war crimes

The International Criminal Court verdict against Bosco Ntaganda is a breakthrough

The conviction of the Congolese warlord Bosco Ntaganda is cause for cautious optimism that perpetrators of serious crimes cannot escape justice, even where they have evaded domestic laws. Ntaganda, known as "the terminator", was pronounced guilty of 13 counts of war crimes and five of crimes against humanity by the International Criminal Court. These relate to the 2002-03 ethnic conflict in the Democratic Republic of Congo. After a 2006 indictment by the Hague court, it took seven more years for him to surrender and months more before the trial could start. The conviction follows the ICC's 2012 sentencing of Thomas Lubanga, the first to be pronounced guilty under the Rome Statute, also pertaining to atrocities during the Congolese conflict. The verdict in this latest case is a breakthrough for the prosecution, which has come under increasing scrutiny. It has even been forced to abandon high-profile trials involving heads of government owing to the intimidation of witnesses and tampering with evidence. In 2014, the ICC dropped charges of crimes against humanity on Kenyan President Uhuru Kenyatta, the first sitting President to appear before it, relating to the death of hundreds in the 2007 post-election ethnic violence. The judges held that the Nairobi government had not acted in good faith, as crucial evidence had been withheld from the prosecution. Fatou Bensouda, the ICC chief prosecutor who has been in the midst of some of these reversals, described as "regrettable and troubling" a majority appeal decision last year. That ruling acquitted Jean-Pierre Bemba, a former DRC vice president, who was in 2016 convicted of war crimes and handed an 18-year sentence. In January, Laurent Gbagbo, former President of Ivory Coast, was acquitted of crimes against humanity. In the face of strong resistance to prosecute crimes committed in the wars in Iraq and Afghanistan, many African nations feel they were being selectively targeted. In an unjustified move, Burundi has quit the ICC, as also the Philippines.

Arguably the greatest challenge today to enforce accountability transcending domestic and regional borders could be linked to the surge of nationalism around the world. The genesis of the Rome Statute, adopted in 1998, made a modest beginning to ensure that serious atrocities committed by elected representatives do not go unpunished. The refusal of major states to bring themselves under the court's jurisdiction has dampened such hopes. It is an irony that countries this year are marking the 75th anniversary of the Bretton Woods institutions. But the new world order they sought to usher in, underpinned by a rules-based system of global governance, is facing its biggest challenge yet.

Looming challenges to India's standing

In the coming five years, a host of geopolitical and economic issues need to be reconciled



M.K. NARAYANAN

Prime Minister Narendra Modi has maintained a frenetic pace, renewing contacts with world leaders ever since the results of general election 2019. He was the cynosure of all eyes at the G-20 meeting in June, in Osaka. At the BRICs informal meeting, also in Osaka, he called for the strengthening of the World Trade Organisation and for a global conference on terrorism. He discussed counter-terrorism and climate change issues at separate meetings with China's President Xi Jinping and Russia's President Vladimir Putin. He participated in the Japan-India-U.S. trilateral grouping, arguing for a "rules based order" in the Indo-Pacific region. He met with U.S. President Donald Trump, to discuss the future of India-U.S. relations.

A vastly altered situation

This may convey an impression that everything bodes well for India in the external realm. What is often overlooked is that while we were fortunate in the past to be able to take advantage of a rare combination of favourable conditions, this situation no longer exists. The 2019 election verdict was a definitive victory for Mr. Modi, but it hardly carries an assurance that India can pursue the same policies as before. While it has become commonplace for most Indians to affirm that India has arrived, there are a host of issues that exist which need to be reconciled before we can achieve what we aspire for.

The past cannot be a guide to the future. In the past, we did manage a shift from non-alignment to multi-alignment, could

improve our relations with the United States without jeopardising our long-term relationship with Russia, and paper over our prickly relations with China without conceding too much ground; all the while maintaining our strategic independence. This is too much to hope for at the present time.

The global situation that made all this possible has altered. Rivalries among nations have intensified. There is virtual elimination of the middle ground in global politics, and it has become far more adversarial than at any time previously. Even the definition of a liberal order seems to be undergoing changes. Several more countries today profess support for their kind of liberalism, including Russia and China. At the other end, western democracy appears far less liberal today.

China, U.S. and Asian realities

In this backdrop, India needs to rework many of its policies in the coming five years. South Asia, in particular, and the region of our highest priority, according to the new External Affairs Minister, S. Jaishankar, needs close attention. The region is one of the most disturbed in the world and India has little or no say in any of the outcomes taking place. India-Pakistan relations are perhaps at their lowest point. Tarring Pakistan with the terror brush is hardly policy, and stable relations continue to be elusive. India has no role in Afghan affairs and is also excluded from current talks involving the Taliban, the Afghan government, Pakistan, the U.S. and even Russia and China. India might have recouped its position more recently in the Maldives, but its position in Nepal and Sri Lanka remains tenuous. In West Asia again, India is no longer a player to reckon with.

Across much of Asia, China is the major challenge that India has to contend with. Smaller countries in the region are being inveigled to



participate in China's programmes such as the Belt and Road Initiative (BRI). India and Bhutan are the only two countries in this region that have opted out of the BRI, and they seem like the odd men out. The challenge in the coming years for India is to check the slide, especially in Asia, and try and restore India to the position it held previously. India cannot afford to wait too long to rectify the situation.

Deepening India-U.S. relations today again carry the danger of India becoming involved in a new kind of Cold War. This is another area that needs our special focus. India must ensure that it does not become a party to the conflicts and rivalries between the U.S. and a rising China, the heightened tensions between the U.S. and Russia, and also avoid becoming a pawn in the U.S.-Iran conflict.

There is little doubt that current India-U.S. relations provide India better access to state-of-the-art defence items; the recent passage of the National Defence Authorisation Act in the U.S. makes India virtually a non-NATO ally. However, such close identification comes with a price. It could entail estrangement of relations with Russia, which has been a steadfast ally and a defence partner of India's for the better part of half-a-century. Closer relations with the U.S. also carries the risk of aggravating tensions between India and China, even as China and the U.S. engage in contesting every domain and

are involved in intense rivalry in military matters as well as competition on technology issues.

The U.S.-China-Russia conflict has another dimension which could affect India adversely. The strategic axis forged between the Mr. Putin's Russia and Mr. Xi's China will impact not only the U.S. but also India's position in both Asia and Eurasia, with India being seen as increasingly aligned to the U.S. Hence, India needs to devise a policy that does not leave it isolated in the region.

Again, notwithstanding the 'Wuhan spirit', India cannot but be concerned about China's true intentions, given the regional and global situation and its desire to dominate the Asian region. Within the next decade, China will become a truly formidable military power, second only to the U.S. The ongoing India-U.S. entente could well provoke a belligerent China to act with greater impunity than previously. As it is, China would be concerned at the rise of a 'nationalist' India, which is perhaps not unwilling in the prevailing circumstances of today to become embroiled in a conflict over 'freedom of navigation' in the South and East China seas.

The new buzzword

On another plane, as India intensifies its search for state-of-the-art military equipment from different sources, it may be worthwhile for India to step back and reconsider some of its options. Military power is but one aspect of the conflicts that rage today. Experts point out that outright war, insurgencies and terror attacks are fast becoming passé. Nations confront many other and newer threats at present. Today, disruptive technologies have tremendous danger potential and nations that possess these technologies have the ability to become the dominant powers in the 21st and 22nd Centuries.

A major challenge for India will

hence be how to overcome our current inadequacies in the realm of disruptive technologies rather than remaining confined to the purely military domain. The U.S., China, Russia, Israel and few other countries dominate these spheres as also cyberspace and cyber methodologies. New policy parameters will need to be drawn up by India, and our capabilities enhanced in areas such as artificial intelligence, biotechnology and cyber methodology, all of which constitute critical elements of the disruptive technology matrix.

The economy needs attention

None of this would, however, be possible unless India pays greater heed to its economy. Despite a plethora of official statements, the state of the economy remains a matter of increasing concern. Even statistics regarding the economy are being questioned. Notwithstanding India's ambition to become a \$5-trillion economy by 2024-25, the reality today is that the economy appears to be in a state of decline. Jobs, specially skilled jobs, are not available in sufficient numbers and this should be a matter for concern. The ability to sustain a rate of growth between 8.5% and 9.5% is again highly doubtful. Neither the Economic Survey nor the Budget contain useful pointers to a more robust economy, one that is capable of providing a higher rate of growth, more opportunities for skilled labour, and greater potential for investments.

The looming challenge for India in the coming five years, therefore, would be how to build a strong economic foundation, one that is capable of providing the kind of power structure needed for an emerging power, and also one possessing the best liberal credentials.

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

Ecological perils of discounting the future

With growing environmental distress, policymakers cannot shy away from adopting best eco-management practices



KALVAKUNTLA KAVITHA

In a report last year, the Comptroller and Auditor General of India (CAG) called the Chennai floods of 2015 a "man made disaster", a pointer to how the encroachment of lakes and river floodplains has driven India's sixth largest city to this ineluctable situation. The Chennai floods are a symbol of consistent human failings and poor urban design which are common to most urban centres in India if not urban centres across the world. Now, Chennai is in the midst of another crisis — one of water scarcity.

Unlike issues such as traffic congestion or crime which are visible, environmental degradation is not what most people can easily see or feel in their every day lives. Therefore, when the consequences of such degradation begin to wreak havoc, it becomes difficult to draw the correlation between nature's vengeance and human failings. In Chennai, more than 30 waterbo-

dies of significance have disappeared in the past century. Concrete or the increase in paved surfaces has affected the percolation of rainwater into the soil, thereby depleting groundwater levels to a point of no return.

Urbanisation without vision

Chennai, however, is not alone in terms of suffering from the consequences of human folly. Urbanisation at the cost of reclaiming water bodies is a pan-India if not world-wide phenomenon. There are examples in cities such as Bengaluru, Hyderabad and even Mexico city. In Bengaluru, 15 lakes have lost their ecological character in less than five years according to a High Court notice to the Bruhat Bengaluru Mahanagara Palike, the city's administrative body responsible for civic amenities and some infrastructural assets. The lakes, which are now encroached areas, find use as a bus stand, a stadium and, quite ironically, as an office of the Pollution Control Board. In Mexico city, what was once a network of lakes built by the Aztecs in the 11th and 12th centuries, has given way to a downtown city centre. Parts of the city, especially downtown, sink a few metres every year causing immense damage



to buildings.

In Telangana, the byzantine network of tanks and lakes built by the Kakatiya dynasty has disappeared over the years. However, the question is not about what follies were committed in the past, but about what we can do in the present and, more importantly, for the future. In Telangana, "tanks have been the lifeline of the State because of its geographical positioning". The State's "topography and rainfall pattern have made tank irrigation an ideal type of irrigation by storing and regulating water flow for agricultural use".

The Telangana example

There are a number of lessons that can be learnt. The Chief Minister of Telangana launched a massive rejuvenation movement in form of "Mission Kakatiya" which involves the restoration of irrigation tanks and lakes/minor irrigation sources

built by the Kakatiya dynasty. From the perspective of inter-generational justice, this is a move towards giving future generations in the State their rightful share of water and, therefore, a life of dignity. The city of Hyderabad is now moving towards a sustainable hydraulic model with some of the best minds in the country working on it. This model integrates six sources of water in a way that even the most underdeveloped areas of the city can have equitable access to water resources and the groundwater levels restored in order to avoid a calamity of the kind that has gripped Chennai now.

The larger question is: Can we not take inspiration from the following examples? When Mexico city can create a new executive position of a "resilience officer" to save its sinking urban sprawls, Bengaluru can reclaim Kundalahalli lake (once a landfill) through corporate social responsibility funds in a Public Private Partnership model, and Hyderabad and the larger state of Telangana rebuild its resilience through a combination of political will and well-designed policies such as the Kaleshwaram Lift Irrigation Scheme and Mission, what stops us from learning from each other?

Why should other urban centres shy away from adopting, remodelling and implementing some of the best water management practices to avoid disaster? The answer perhaps lies in the tendency of policymakers to discount the future and of their obsession of focussing on the here and now.

By 2050

It is estimated that in just 30 years from now, half of India will be living in cities. If we truly envision a great future for this country, how can we possibly risk the lives of half of our people and the next generations who could be facing a life in cities parched by drought, stranded by floods, mortified by earthquakes or torn by wars over fresh water? What has happened in Chennai now or what happened in Kerala last year in the form of floods are not a case of setting alarm bells ringing, but one of explosions. If we do not wake up now, we have to be prepared to face the consequences of nature wreaking great havoc on humanity. We would not need nuclear bombs for our obliteration.

Kalvakuntla Kavitha is a former Member of Parliament and the founding president of the Telangana Jagruthi

LETTERS TO THE EDITOR

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Deciphering the moon

As earthlings and Indians, we exult at the launch of the Chandrayaan-2 mission to scan the moon's surface and soil, map its topography, study its mineral and chemical composition and understand its origin and evolution (Nation page, "Chandrayaan-2 all set for 3.84 lakh km voyage," and FAQ page, both July 14). The unmanned mission, undertaken days ahead of the 50th anniversary of the first successful moon landing, has to be seen as part of the wider scientific efforts to push the boundaries of human knowledge. Space exploration has both tangible and intangible benefits and it sometimes transforms the way we look at ourselves and the universe. Surely, reaching out for the celestial bodies is good for life on earth. The question of how a

poverty-stricken country can invest in space programmes is based on misconception. The right approach is that we must have the wherewithal to do both poverty mitigation and space exploration.

G. DAVID MILTON,
Maruthancode, Tamil Nadu

Amid pessimistic news items related to political defections, violence and scams, the report on ISRO's ambitious moon mission project comes as a ray of hope. Scientists are said to have skipped holidays and worked hard for the success of the mission. All government departments should take inspiration from the premier space organisation and strive to better their work culture.

KSHIRASAGAR BALAJI RAO,
Hyderabad

Unignifed defections

This is with reference to the Editorial, "Aftershocks in

Goa" (July 13). The defection of MLAs, whether induced or voluntary, is ugly. The legislators, having won the election as a member of one party, have no moral right to defect to another. Anti-defection laws are no longer acting as a deterrent. The hidden hand of the Bharatiya Janata Party to gain control of States where it has not been elected to power can be sensed. Democracy needs to be saved from such dishonest manoeuvres. The Supreme Court needs to intervene and force the defecting legislators to forfeit their membership, bar them for life from contesting elections and make them ineligible for pension.

R.M. MANOHARAN,
Ramanathapuram, Tamil Nadu

Electoral reforms

The themes discussed by former Chief Election Commissioner S.Y. Quraishi, while not irrelevant, lag behind in priority for

ordinary voters. Reforms need to be, first of all, targeted at keeping criminals away from the electoral scenario. If men and women of integrity are elected as representatives, issues like money power, method of appointment of Election Commissioners and EVM use can be addressed. Legislation is urgently required to empower voters with a right to recall MPs/MLAs. Similarly, a 50%+1 rule, based on voters' list, is needed to declare a winning candidate. Empowering the None of the Above (NOTA) option is equally important. From the demarcation of constituencies to the formation of Cabinets, a sense of anarchy prevails at every step. Parliament needs to take up such serious issues to keep the spirit of democracy alive (Editorial page, "A welcome debate on electoral reforms," July 12).

P.R.V. RAJA,
Pandalam, Kerala

Wielding the broom

The MPs' act of 'cleaning' Parliament premises, which are already kept reasonably clean, comes across as a supreme farce aimed at drawing attention of citizens and making them believe that the lawmakers are alive to the burning issue. Instead of this, the VIPs should have selected some remote city/town in the country to prove their sincerity to the cause (News page, "Cleaning the house," July 14).

V. PADMANABHAN,
Bengaluru

WC dream ends

From a potential reality, India's World Cup dream turned illusory and blew into smithereens. The 'Men in Blue', who were heroes of a frenzied cricket nation, suddenly turned villains with one bad game against New Zealand in the big semi-final (Editorial, "The climax," July 13). As is widely perceived, the middle order proved to

be the major reason for India's exit from the quadrennial tournament. The selectors made a huge blunder by not picking technically equipped players like Ajinkya Rahane and Cheteshwar Pujara, who have performed well in England, to strengthen the middle order. Also, it is baffling that despite being groomed for the last couple of years for the crucial No. 4 spot, Ambati Rayudu was not selected.

These apart, when India wins a tournament, selectors get financial rewards, but when the team loses, it is only the players who bear the brunt. While the Committee of Administrators (CoA) has got into most cricketing matters, surprisingly it has avoided assessing the performance of selectors.

R. SIVAKUMAR,
Chennai

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