



## Cauvery again

The Centre is to blame for the dispute going into another round of litigation

It is unfortunate that the Cauvery dispute is once again before the Supreme Court, barely weeks after the final verdict. The Centre is to blame for the dispute going into another round of litigation. While Tamil Nadu has moved the court to initiate contempt proceedings against the Centre for not complying with the direction to frame a scheme to implement the water-sharing arrangement set out in the February 16 judgment, the Centre has sought three more months and some clarifications in the court order. It is difficult to believe the issue at hand is so perplexing that the Centre had no option but to come back to the court. It appears that it does not want to handle the issue until the Karnataka Assembly elections get over in mid-May. Political and electoral considerations appear to have dictated the Centre's action. It is almost as if it believes that as long as the option of buying further time is available, it need not fulfil its legal obligations. It is unfortunate that just before the expiry of the court's six-week deadline, the Centre came up with a petition asking the court to clarify whether the proposed scheme should be the same as that which the Tribunal had set out in its final award in 2007, or could be at variance with it.

It is true that there is a divergence of opinion between Tamil Nadu and Karnataka on the proposed mechanism and its composition. While Tamil Nadu wants the 'scheme' envisaged by the court to mean nothing other than the Cauvery Management Board and the Cauvery Water Regulation Committee, mentioned in the Tribunal's final award, Karnataka says there is no reference to a 'board' in the apex court's order, and that the Centre could frame a scheme different from that described by the Tribunal. It contends that the apex court envisaged a 'dispute resolution body', and not the 'management board' favoured by the Tribunal. Against this backdrop, the Centre could have exercised discretion and come up with a scheme that would include an inter-State body to oversee the water-sharing. At the latest hearing, the Chief Justice of India, Dipak Misra, observed that the term 'scheme' mentioned in the judgment did not refer to only a 'board'. He also assured Tamil Nadu that the court would ensure that it was not deprived of its share of Cauvery water. It is an indication that it is not the nomenclature but the nature of the relief that matters. It will be wise for all parties to remember that disputes are better resolved on the basis of equity and not prolonged on expedient considerations. The Centre's actions should not amount to undermining the finality of the highest court's judgment, and should be unwaveringly in aid of its implementation.

## A clarifying vote

The no-trust motion against Sri Lankan PM Wickremesinghe will test the ruling alliance

Nearly two months after its drubbing in the local government polls, Sri Lanka's ruling alliance continues to be under enormous uncertainty, and Prime Minister Ranil Wickremesinghe now faces a no-confidence motion. Initiated by the "Joint Opposition", a loose coalition of legislators supporting former President Mahinda Rajapaksa, it has been scheduled for a marathon 12-hour session in Parliament on April 4, to be followed by a vote. Tensions in the national unity government of President Maithripala Sirisena and PM Wickremesinghe bubbled over soon after the poll results, in which a Rajapaksa-backed party outdid the two major parties in power, the Sri Lanka Freedom Party and the United National Party. Many legislators from Mr. Maithripala's SLFP blamed the PM for the poll debacle, and demanded that he resign. While Mr. Sirisena has not publicly endorsed the demand, his dissatisfaction with Mr. Wickremesinghe is no secret. An imminent split in the ruling alliance was averted with a cabinet reshuffle but the cosmetic changes have done little to cement it. Amid the tussle, Mr. Sirisena clipped Mr. Wickremesinghe's powers last week, taking away the central bank, the policy-making National Operations Room and several other institutions from his control.

The JO claims it has about 55 signatures in support of the motion, and it has been trying to draw more support from the Sirisena camp, in which many remain keen to work with a new Prime Minister from his UNP while some are averse to even a tactical regrouping with the Rajapaksas. The Janatha Vimukti Peramuna, with six MPs, has said it will vote against the PM. With 107 seats in the 225-member parliament, the UNP-led front is the single largest group, and is confident of defeating the motion, counting on some support from the SLFP and the minority parties. The Tamil National Alliance, which has about 15 MPs, could play a crucial role, and is likely to either abstain or back the PM, rather than join hands with Rajapaksa allies. Going by the numbers, it seems Mr. Wickremesinghe will survive, unless last-minute negotiations change the game. If he were to be ousted through the motion, it may potentially set off consequences ranging from a parliamentary reconfiguration to the Cabinet being dissolved. If he stays in power, the government will still have the difficult task of re-orienting itself to the mandate Sri Lankans gave this coalition in 2015. President Sirisena and PM Wickremesinghe, who are facing a serious credibility crisis at the moment, will have to put the interests of their constituencies at the top of their priority list and use the remaining two years of their government's tenure to address the concerns of the vast majority of the population. For this, they must resist the temptation of myopic political manoeuvres and focus on the reform agenda they promised to deliver. The two leaders cannot afford to forget why Sri Lankans put them in power in 2015 in the first place.

# Big thaw on the Korean peninsula

The crucial unknown in the high-stakes diplomacy is Donald Trump's idea of what an acceptable 'deal' is



RAKESH SOOD

An unusual charm offensive is under way on the Korean peninsula and the unlikely architect is none other than the North Korean Supreme Leader, Kim Jong-un. During the last three months, he has played a deft political hand, a far cry from his rhetorical exchanges with U.S. President Donald Trump. Last year, Mr. Trump was threatening the "Rocket Man" with "fire and fury like the world has never seen"; the North Korean leader described him as a "dotard" and his military called his statement "as a load of nonsense". Now the two leaders are planning a summit in May which according to Mr. Trump could lead to "the greatest deal in the world".

Since 2011 when Mr. Kim took over, North Korea has conducted four nuclear tests; the first two were conducted in 2006 and 2009. The sixth test, last September, had a yield more than six times the Hiroshima bomb. He has accelerated the missile programme, conducting nearly 80 tests, compared to an estimated 16 by his father Kim Jong-il between 1994 and 2011.

### New Year message

In his New Year address, Mr. Kim conveyed two messages – that the entire U.S. was within range and the nuclear button was on his table, and that he was open to dialogue with Seoul and could send a team to participate in the Winter Olympics being hosted by South Korea in February. Mr. Trump responded by tweeting that his "nuclear button" was "much bigger & more powerful". But South Korea responded positively and reaffirmed willingness to talk with North Korea at any time and anywhere. Thereafter events gathered pace.

### North Korean diplomacy

The two South Korean officials travelled to Washington to brief Mr. Trump on March 8. It was announced that Mr. Trump had agreed to a summit with the North Korean leader in May. This will be the first summit

meeting between the U.S. and North Korea. Jimmy Carter and Bill Clinton have travelled to Pyongyang in 1994 and 2009, respectively, to meet Mr. Kim's grandfather and father, respectively, but after their terms as U.S. President ended. There have been two earlier summits between the Korean leaders, in 2000 and 2007, though the outcomes proved to be short-lived. Mr. Moon has also mooted the idea of a trilateral summit though there has been no reaction to it from Pyongyang or Washington. In another surprise move, the North Korean leader, accompanied by his wife Ri Sol-ju, travelled by train to Beijing on March 25. It was Mr. Kim's first foreign trip since he took over in 2011. Though described as an unofficial visit, it had the trappings of a state visit, complete with a guard of honour and a banquet with Chinese President Xi Jinping and his wife Peng Liyuan at the Great Hall of the People. The North Korean leader assured Mr. Xi that if South Korea and the U.S. responded with goodwill and took phased, synchronised measures, the issue of denuclearisation of the peninsula could reach resolution.

China has long been North Korea's political ally and economic lifeline, accounting for 90% of North Korea's foreign trade. It has often resisted tightening of sanctions that could lead to the collapse of the regime. However, relations between the two countries have soured since 2013 when Jang Song Thae, Mr. Kim's uncle who was responsible for managing the China relationship, was purged. Missile tests when China was hosting the G20 summit in 2016 and the Belt and Road Forum in 2017 together with a nuclear test during the BRICS summit in 2017 were embarrassments for China. As sanctions tightened under successive UN Security Council resolutions, North Korea blamed China for 'dancing to the tune' of the U.S. However Mr. Kim realises that he needs help to handle U.S. pressure. His China visit acknowledges Mr. Xi's extension in power beyond 2022; and for China, it reflects its pivotal role in any negotiations regarding North Korea. Mr. Xi has sent a personal message to Mr. Trump about his meeting with Mr. Kim while Politburo member Yang Jiechi is being despatched to Seoul. In Washington, recent appointments of John Bolton as National Security Adviser and Mike Pompeo as Secretary of State, both hardliners, raise the stakes for North Korea.

### Reconciling objectives

Mr. Kim's objectives are clear – securing regime legitimacy, regime security and sanctions relief. A summit with Mr. Trump provides legitimacy as long as it begins a dialogue process leading towards diplomatic recognition. In 1992, despite North Korean reservations, China recognised South Korea and today it is one of the South's largest partners and a major investment source. How South Korea and the U.S. deal with the move towards recognition will demand political creativity.

Having achieved a certain threshold in its nuclear and missile capabilities, North Korea can afford a pause in testing in return

for sanctions relief but 'denuclearisation' will only happen at the end of a long-drawn process which will involve discussions regarding the U.S. nuclear umbrella for South Korea, the presence of 23,500 American troops and converting the 1953 armistice into a peace treaty which will guarantee regime security.

South Korea would like to ensure that it has a veto over U.S. decisions regarding North Korea and gaining operational control over its own military forces, both of which will require protracted negotiations. Meanwhile, Mr. Moon will do his utmost to maintain credibility in Washington and Pyongyang to keep his 'sunshine policy' on track. In Europe, the two Germans recognised each other in 1972 (the U.S. recognised East Germany in 1974) as part of Willy Brandt's 'ostpolitik', long before German unification was achieved in 1990.

North Korea's aggressive testing provided justification for the deployment of the THAAD missile defence system aggravating Chinese concerns. China would prefer lowering tensions though it is in no hurry to see Korean unification.

The big unknown is Mr. Trump's idea of what is an acceptable 'deal'. Will a process towards eventual denuclearisation tempt him or will he reject it as 'fake news' and revert to relying on sanctions and military pressure as some of his advisers are inclined to? Major compromises will be needed for reconciling interests of all the key players for the high stakes summit on the Korean peninsula to succeed.

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# Federalism and fairness

Unless the concerns of States are addressed, the fault lines in the Indian federation could deepen



MATHEW IDCULLA

Federalism is once again the focus of political discourse in India. Karnataka Chief Minister Siddaramaiah set the cat among the pigeons when he highlighted Kannada pride by unveiling an official state flag last month. Then in a Facebook post on "Regional Identity & Federalism", he advocated the need for States to have both financial and cultural autonomy.

Since quitting the National Democratic Alliance, Andhra Pradesh Chief Minister Chandrababu Naidu has also been vocal in criticising the Central government for taxing the southern States to spend on the northern States.

And also in March, the Dravida Munnetra Kazhagam's working president M.K. Stalin wrote to Prime Minister Narendra Modi and the Chief Ministers of 10 non-Bharatiya Janata Party-ruled States expressing concern over the terms of reference for the 15th Finance Commission. The Centre's direction to use the 2011 Census instead of the 1971 Census for population data has riled the south. As the

population in these States has stabilised, the concern is that their share of tax allocation would reduce.

While "federalism" has become the catch-all term for these concerns, there are principally three distinct yet inter-related strands to the debate – a constitutional claim for autonomy; a demand for fairer distribution of taxes; and an assertion of linguistic and cultural rights.

### Constitutional context

In his Facebook post, Mr. Siddaramaiah asserted that while India became a "union of states with a strong center" in 1947, now "from a union of states, we are evolving into a federation of states". This is indeed a strong claim to make as Article 1 of the Constitution declares India as a "Union of States". Such phrasing was deliberate. On November 4, 1948, while moving the Draft Constitution in the Constituent Assembly, B.R. Ambedkar responded to the question as to why India is a "Union" and not a "Federation of States": "The Drafting Committee wanted to make it clear that though India was to be a federation, the federation was not the result of an agreement by the States to join in a federation and that the federation not being the result of an agreement no State has the right to secede from it. The Federation is a Union because it is



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indestructible." Hence, political scientist Alfred Stepan classified India as a "holding together" as opposed to a "coming together" federation. Unlike the federal form of government in the United States, which is described as an indestructible union composed of indestructible States, India is an indestructible union of destructible States. The units of Indian federation have undergone multiple transformations since 1947. This is because Article 3 of the Constitution empowers Parliament to create new States. While such a provision can be seen as giving the Union too much power, it has arguably been central to holding India together since it allows the federation to evolve and respond to sub-national aspirations.

While its constituent units have changed, the relationship between the Union and the States has remained the same. Hence, from a constitutional perspective, it would not be accurate to say that India is moving from a union to a federation of States. However, after successfully "holding together"

as a federation for over 70 years, the larger question is whether there is a need to reconsider the distribution of powers between the Union and the States. While the flexible nature of federalism under the Constitution has served India well, the continued existence of provisions such as Article 356 (President's rule) goes against the grain of federalism. Any serious political movement around federalism should question the necessity of retaining such constitutional provisions which are vestiges of colonial rule.

### A viable federation

Over the last couple of decades there has been a shift in political and economic power from the Centre to the States. While some have felt that this trend would reverse after the formation of a Central government with a simple majority for the first time in 25 years, Prime Minister Narendra Modi has sought to assuage such concerns by invoking the idea of "cooperative federalism". The 14th Finance Commission, in 2015, recommended raising the share of States in the divisible pool of Central taxes from 32% to 42%. However, beyond this measure, the Centre has not inspired much confidence regarding its commitment to federalism.

States such as Karnataka have asserted their linguistic and cultural

rights in the wake of the Centre's interventions such as a promotion of Hindi. Now, the skewed terms of reference for the 15th Finance Commission have brought the south together in making a strong case for fiscal federalism. The Commission has been using the 1971 Census for population data to ensure that States that have been successful in family planning are not penalised. This came in the wake of the 42nd Amendment to the Constitution which froze the distribution of Lok Sabha seats among States for 25 years, which was extended for another 25 years, in 2001. This prudent political compromise is now being tested.

Federalism is ultimately based on trust between its various constituent units. If a set of States perceive that their progress is being penalised, the viability of such a federation comes into question. While the southern States contribute to the nation economically, they don't occupy a central space politically and are further marginalised culturally. Finally, unless the concerns regarding fairness are addressed from constitutional, financial and cultural fronts, the fault lines developing in our federation could deepen further.

Mathew Idiculla is a research consultant at the Centre for Law and Policy Research, Bengaluru

## 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.

### Space for both

I should compliment RSS chief Mohan Bhagwat for saying that nation-building is an inclusive process ("Bhagwat against 'Congress-mukt' slogan", April 2). It is dangerous in our democracy to talk of a Congress- or BJP-mukt Bharat. That the Prime Minister, a man of humble origins, could become the leader of the country is testament to the determination of the country's first Prime Minister to remain a complete democrat, unlike other leaders of many other newly independent countries of his time. Respecting the space a political opposition occupies is a key ingredient of a democracy and in India, it is the Grand Old Party which is still more suited than others to occupy this role. However, the Congress must look at

why it has been batting more for the rich than the poor. The Mallyas, gargantuan bank NPAs and numerous other scams have compromised the economic security of the average citizen.

KANGAYAM R. NARASIMHAN,  
Chennai

### On impeachment

The writer (Editorial page, "A rude wake-up call", April 2) appears to be relying heavily on the presumption that the peer group of a judge in question will be ethically unwavering. However, sustainable processes and institutions are not built on the basis of subjectivity and discretion. It should also be noted that no judge has ever been impeached by Parliament. In certain cases, despite their misbehaviour being proven, they have escaped impeachment by resigning. When it has been difficult

removing the guilty, what is the point in bringing in more safeguards? In my opinion, the judiciary stands to lose the trust of the people and its reputation if it is perceived to be an opaque and unaccountable institution. Can there be improvements in the process of removal of judges? Yes. Does it mean giving the judiciary primacy in the removal of judges? Maybe not.

GEETANJALI SHARMA,  
New Delhi

■ To make out a case for more safeguards is akin to isolating the judiciary from any scrutiny. Nowhere in the world does one have a collegium system whereby judges appoint themselves. If one is to follow the same system for removal, it would virtually make judges accountable to none but themselves. In fact many experts blame the present

system as being the reason for nepotism, corruption, opacity and delays in the delivery of justice. Instead of fighting for more safeguards, it's high time the judiciary looks at reform. Improving transparency and accountability will rejuvenate the justice delivery system. A clean government is only possible with a clean judiciary.

SHIVA H. BODAS,  
Hyderabad

### Mind games

Facebook kind of psychological targeting can influence not just one's emotions but one's behaviour too (Editorial page, "Politics in the age of Facebook", April 2). As social networking sites are a part of our life, it all depends on an individual on how to use them. Without looking at it from the angle of data, I do agree that social networking sites can play a significant

role in influencing one's behaviour when it comes to making choices. As an example, I have seen how social media sites can have an impact in college and university election campaigns. Students decide who to vote for based on a candidate who gets more 'likes'. So it may not be impossible to influence an election in our democracy using social media.

NIHAL NAG,  
New Delhi

### Isolating Russia

Events in the global political arena to try to isolate Russia

have many angles. Before naming Russia a rogue nation, the West needs to introspect over its activities under the NATO umbrella. Can the U.S. and its band of allies claim innocence in events that led to the collapse of the socialist regime in Russia? The activities of the U.S. to establish and maintain its position as the international police chief still go unchecked and unquestioned.

A.G. RAJMOHAN,  
Anantapur, Andhra Pradesh

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### CORRECTIONS & CLARIFICATIONS:

In the "Data Point" graphic, "Jallikattu, an extreme risk sport" (March 28, 2018, OpEd page), the death rate (per 10,000 bulls) for Feb-March 2018 was erroneously given as 0.96. It should have been 0.24.

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, Kasturba 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