



## Irresponsible remarks

Courts must remain wary of political moves to undermine the judiciary

Remarks made by a Minister in Uttar Pradesh that the construction of a temple in the disputed site at Ayodhya is a certainty because “the Supreme Court is ours” cannot be dismissed as mere political zeal displayed by a party committed to the cause. It reveals a disconcerting cockiness that those in power tend to display when they believe that courts have to defer to those with an electoral majority. “The construction of a Ram temple is our resolve. The Supreme Court is ours, the judiciary, the country and the temple are ours,” is what the Minister for Cooperatives, Mukut Bihari Verma, is reported to have said. It is reassuring to note that the Bench, which is hearing a set of appeals against the decree passed by the Allahabad High Court in the title suits, condemned the remarks, as soon as its attention was drawn to them. Such irresponsible utterances must be quite annoying to the judges, and unforgivably embarrassing when they come from prominent members of the ruling party at the Centre. The court has said its reservations would be recorded in the order, which means that it will not let this brazen claim consume its valuable time. Mr. Verma has sought to clarify that when he said the court was “ours”, he did not mean that the government “owns the court”, but only that the court belongs to everyone and that it reflected his faith in the top Court. It is quite unconvincing as his claim of control over the judiciary was made in the context of the party’s resolve to construct the temple.

It would be in order if the Uttar Pradesh Chief Minister took cognisance of his Minister’s remarks and initiated appropriate action against him. However, given the Bharatiya Janata Party’s fanatical commitment to the cause of building the temple at the site in which frenzied mobs had pulled down the Babri Masjid, it is unlikely that any such action would be forthcoming. The hearing in the Ayodhya appeals in the Supreme Court has been going on for weeks. In Lucknow, the trial court is making slow progress in the criminal case against those who demolished the mosque. In this backdrop, any attempt to create an atmosphere of fear or influence the proceedings will have to be viewed seriously. Earlier this month, the Supreme Court Bench ordered notice to a Chennai-based octogenarian who had allegedly written to senior advocate Rajeev Dhavan, hurling curses on him for representing a Muslim party in the dispute. Mr. Dhavan has spoken about facing threats, ridicule and intimidating behaviour. While welcoming the court’s assurance that the parties can advance their arguments without fear, it would be in order to underscore that it should remain vigilant against attempts to undermine its role in adjudicating this dispute. After all, the quarters from which these irresponsible utterances come do not consider the fact of being in office a restraining factor.

## Bane of banners

Illegal hoardings put up by politicians have become a threat to road users

The pervasive lack of governance in India’s cities has claimed the life of another citizen, this time in Chennai. A banner put up on a road divider by a functionary of the AIADMK to celebrate a wedding fell on a young woman riding a two-wheeler, sending her off-balance and under a tanker lorry. Subasri, 22, joins the list of hapless citizens whose lives were ended by civic neglect, police indifference, and, in Tamil Nadu especially, a political culture that dominates public spaces through exaggerated displays of cutouts, crude arches and flags at the cost of safety. Only two years ago, Raghu, a young engineer, died under similar circumstances in Coimbatore and another youth, Babu, was electrocuted in Udagamandalam when he touched a party flag that was in contact with a wire; both instances involved ramshackle structures placed along roads. That political parties of all hues and motley groups see no need for restraint, even after many directions from the Madras High Court to stop endangering public safety goes to show that there are no serious consequences. Evidently, they are not persuaded by the orders issued in February this year by a division bench, impleading 11 political parties and reminding them of its many earlier orders that prohibit threats to public safety through banners and boards. The government must fix accountability and make individual members of the executive liable for lack of public safety.

There are disturbing aspects to the official response to the incident in Chennai, and the inquiry must go into the reported reluctance of the police to proceed against the AIADMK member who was responsible for the banners being put up. The Revenue Department and the local body must explain their failure to prohibit the dangerous structures, when there are clear orders in force, and acts of omission and commission should attract strong action. Even two years ago, the Madras High Court had ruled in a case that “the erection of arches, placards and display boards, banners with poles, etc., abutting into public streets and pavements, which obstruct free and safe movement of traffic or free and safe movement of pedestrians or obstructs visibility of drivers is patently illegal.” It is clear, therefore, that even where limited permissions could be given, the structures cannot affect public safety. Considering the long history of illegal political banners and religious displays, often involving theft of electricity, the court can bring about compliance with the law through a special panel, similar to the Supreme Court’s committee on road safety headed by a retired judge. Strong action is needed against recalcitrant politicians and lumpen groups who use banners as displays of power or fealty.

# In Afghan peace derailment, a wagon of hope

The suspension of U.S.-Taliban talks has opened the space for the global community and India to reset the peace process



GAUTAM MUKHOPADHYAYA

In a characteristically mercurial tweet on September 9 morning (Indian Standard Time), U.S. President Donald Trump abruptly called off ‘peace’ talks with the Taliban – led directly by the U.S. Special Envoy to Afghanistan, Zalmay Khalilzad – citing the killing of an American soldier just days before in a suicide bomb attack for which the Taliban claimed credit. He also revealed that he had secretly invited the Taliban and the Afghanistan President, Ashraf Ghani, separately to Camp David over the weekend to clinch a deal personally. The agreement had been in the making over many rounds of talks, largely in Doha, Qatar, of which the Afghan government was not a part on account of a Taliban veto that the U.S. implicitly accepted, ostensibly to bring peace to Afghanistan.

### Agreement contours

The tweet capped a turbulent week during which Mr. Khalilzad briefed Mr. Ghani and the Chief Executive of the National Unity Government of Afghanistan, Abdullah Abdullah, on the interim agreement over several rounds of talks. They were shown but not given a copy of this. The salient details of the agreement were revealed on a private television channel on the evening of September 2. They centred primarily on an initial timetable for the withdrawal of around 5,400 out of nearly 14,000 U.S. troops from five Afghan bases in 135 days. Also included was a tight timeline of two weeks to kick-start intra-Afghan talks before the Afghan presidential elections scheduled on Sep-

tember 28. The announcement was accompanied by a wave of violence that included offensives against strategic provincial capitals in the north and suicide bombings in Kabul, including one just as Mr. Khalilzad was wrapping up his TV interview. They were clearly intended to sabotage the elections. These were not allowed to affect the agreement.

### Out of sync

The deal as negotiated was one-sided, partial and highly flawed. It was loaded heavily towards Mr. Trump’s goal of a withdrawal of all U.S. troops by November 2020, weak in guarantees against terrorism aimed at the U.S., and lacking safeguards for the security and stability of Afghanistan. Unresolved differences over the withdrawal of the remaining troops (8,600) amid U.S. insistence on a residual counter-terrorism (CT) and intelligence presence, and a lack of trust in the Taliban at critical levels in the U.S., were among the reasons for Mr. Trump’s decision.

Other elements of what the U.S. maintained was a composite agreement, were also seriously compromised. The comprehensive ceasefire was watered down to a limited ‘reduction’ in violence (observed more in its escalation). And, the intra-Afghan government talks were effectively downgraded, under Taliban pressure, to talks with a non-official delegation. The Afghan government with which the U.S. has bilateral strategic partnership and security agreements, was sidelined and powerless, contributing to a public sense of helplessness that decisions regarding Afghanistan were being taken by foreigners. The government has gained from the backlash.

The most insidious aspect of the announcement was its timing and attempt to rush intra-Afghan talks just days before the presidential elections with the aim of under-



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mining the elections and rendering them meaningless. The fear was that if successful, they could have undercut plans to instal an interim, transitional or power-sharing arrangement that could provide the fig-leaf of a mechanism and an illusion of peace to pull out U.S. forces. It would have paved the way for a dominant position for the Taliban in any future dispensation before they took over power altogether. It would have pushed Afghanistan towards instability and even a civil war worse than the intra-Mujahideen fighting of the 1990s with unpredictable consequences.

More fundamentally, the agreement was also widely criticised in the U.S. and elsewhere. It was seen as a “negotiated withdrawal”, “abdication”, and even a “surrender” rather than a peace agreement, sacrificing the political, military and economic investments and civic gains of the last 18 years including democracy and the advancement of women, and creating the conditions for a likely descent into civil war, fanning radical extremism. In Afghanistan, the agreement was widely perceived as a sell-out and a betrayal of Afghanistan to the Taliban and Pakistan. These are concerns Indians share deeply.

### Short-lived relief?

Under the circumstances, notwithstanding the manner and reasons for calling off the talks for which Mr. Trump has been rightly lampooned – particularly the shocking invitation to the Taliban to Camp David just days before the

9/11 anniversary – his tweet at least had the virtue of pulling Afghanistan away from the brink of disaster foretold. Behind the decision was an instinct that it was a bad deal for the U.S. and exasperation with the Taliban’s attempts to extract maximum advantage for the meeting; the Taliban’s insistence on the announcement of the deal before the visit, deprived him of the limelight for sealing the deal.

However, while Afghanistan and the world may breathe a sigh of relief that the Khalilzad deal has been aborted for now, this may be short-lived. The mindset of a unilateral pullout un mindful of its consequences for Afghanistan and the region and the danger of Trumpian swings, remains. For now, Mr. Trump has proclaimed the talks to be “dead” and ordered offensive operations. But he still needs a counter-terrorism strategy for which he would have to look for options. The demand for a peace process will also remain. Things could change again in a few months.

### A role for India

Nevertheless, the suspension of U.S.-Taliban talks has opened the space for the holding of Afghan presidential elections and a window of opportunity for the international community and India to reset their approach to peace and withdrawal.

First, the Afghan election authorities and security forces should be supported in every way to conduct free and fair elections as an exercise of Afghan sovereignty. Concerns about misuse of government apparatus should be addressed. The Taliban will try to disrupt it. But a reasonably good turnout even if elections are held only in secure areas would be a barometer of support elsewhere, victory for the constitutional order and ‘Islamic Republic’, and a repudiation of the ‘Islamic Emirates’ of the Taliban.

Second, its outcome could provide a stronger foundation for talks with the Taliban that are Afghan-led, Afghan-owned and Afghan-controlled, and not as dictated from Washington, Islamabad, Doha or Moscow. India should be able to support such talks.

Third, free from elections, the Afghan government should take the lead in forging a national consensus behind talks with the Taliban that it has failed to do until now.

Fourth, the international community should support this process and focus its efforts on the Taliban to demonstrate their ‘nationalism’ by distancing themselves from Pakistan’s Inter-Services Intelligence, halting attacks against fellow Afghans, agreeing to a ceasefire, and negotiating directly with a representative Afghan delegation.

Fifth, resumed U.S. military pressure on the Taliban is not enough. The Doha talks dispel any doubt that the route to peace in Afghanistan is through Pakistan even though it was the U.S. that was making the concessions. Every possible instrument should be brought to bear on Pakistan to deliver on this.

Crucial to Afghanistan’s future is its ability to stand on its own feet economically, through investment in Afghanistan’s mineral sector to generate revenues, and militarily, through a progressive ‘Afghanisation’ of security forces at a lower budget. India should be able to help in this.

Finally, India should be able to use Prime Minister Narendra Modi’s rapport with Mr. Trump and Russian President Vladimir Putin to influence their policies and play a larger international diplomatic role in Afghanistan.

Gautam Mukhopadhyaya is a former Ambassador to Afghanistan (2010-2013) and, currently, Senior Visiting Fellow, Centre for Policy Research, Delhi

# A milestone in greater transparency, accountability

The launch of the Jan Sochna Portal in Rajasthan is a vital cog in access to the right to information



MADAN LOKUR

The Jan Sochna Portal (JSP) launched by the government of Rajasthan yesterday is a remarkable achievement in furtherance of the right to information (RTI) – especially Section 4 of the RTI Act – that deals with proactive disclosure of information. Transparency must be accompanied by accountability, and that is where the JSP has great value and significance since it places the power of making the State government accountable to everyone who accesses the information made available on the portal.

Has transparency accompanied by accountability brought about transformation in any system? During my association with the eCommittee of the Supreme Court of India, and keeping transparency in the justice delivery system in mind, a National Judicial Data Grid was launched. This gave information about all pending cases across the country. Some time back, a year-wise breakup of pending cases was given on the grid and it was found that more than 70,000 cases were pending for over 30 years. These figures meant nothing until the justice delivery system was

asked to account for the enormous delay in such a large number of cases. Chief Justices and Registrars in many courts appreciated the fact that they needed to answer questions relating to such enormous delays; now many courts have begun to concentrate on the disposal of old cases with considerable success. This is a good example of transparency accompanied by accountability brought about by civil society.

### Several access points

I had the privilege of a sneak preview of the JSP. Details of every activity of the government such as availability of food grains and ration shops and their distribution, implementation of various schemes and their beneficiaries and a variety of other information are available on a real-time basis virtually making it a Janta Information System. The portal has been arrived at through a regular and rigorous consultative process between government officials, IT professionals and civil society. Such a process of dialogue should be practised in all spheres to genuinely harness the benefits of information technology. Digital divide is indeed a serious problem in India. To bridge this, care should be taken to ensure that access points are open and free.

Since the information is available on the Internet, every citizen, right down to the municipal ward and panchayat, has access to the



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information. For example, I saw that on a random basis, a number of identified persons in a particular area had not availed themselves of any rations for several months. Such persons can be easily contacted and if they do not want to avail the benefits available to them, they can surrender it in favour of some other deserving person. Similarly, the government of Rajasthan, like some other States, has waived farmers’ loans. The portal gives the details of every farmer in every bank branch whose loans have been waived, along with the amounts. Another significant piece of information is about mining leases. Illegal mining has been a major issue in different parts of the country, with people unable to determine the details of clearances given. This portal gives the list of mines in every district, provides geographical coordinates, and the area where mining has been permitted, including the land deed identifiers. It also pro-

vides details about pollution and environment clearances. Finally, the portal provides details of production and royalties and taxes paid. This kind of information can facilitate a progressive partnership between government and citizens for a cleaner society.

What is important is that a tremendous amount of information is available on the files of the government of Rajasthan, which till date could only be accessed through the filing of RTI applications. However, with the use of technology and digitisation of records and information, this information is made freely available on the JSP. To this extent, there is no need for anyone to take recourse to the RTI Act and await a response. All information can be accessed immediately, free of cost.

### Key challenges

The mere launch of the JSP is not enough. There are huge challenges with regard to maintenance issues and ensuring that there is no let-up in the availability of information. With this in mind, draft guidelines have been framed for the development and maintenance of the JSP. Once implemented, this will ensure that the information system continues uninterrupted. Various departments of the government of Rajasthan, called Line Departments, have been given a set of obligations that they are expected to fulfil. For example, they are expected

to ensure digitisation of records. In addition, the Department of Information Technology will serve as the nodal department for the development, operationalisation and maintenance of the JSP.

This department has been informed of its obligations, which includes adherence to the norms and standards laid down by a digital dialogue advisory group. To ensure that the responsibilities are carried out, the advisory group will be the monitoring agency. Grievance redressal officers will be appointed so that citizens can make the State government truly accountable.

### Training for citizens

The government of Rajasthan has also taken steps to train citizens so that they are aware of the facilities available. This by itself may not be enough. Therefore, it has been decided to host the JSP in decentralised locations, right down to the municipal ward and panchayat levels. They will have access to welfare schemes, revenue activities such as mining, and other service delivery issues such as health and education.

It would be wonderful if all other State governments follow the Rajasthan government’s initiative, which aims to make people, including the marginalised sections, a part of the governance process.

Justice Madan Lokur is a retired judge of the Supreme Court of India

## 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.

### Condemnable remarks

The remarks of Uttar Pradesh Minister Mukut Bihari Verma, that the construction of Ram temple is “our” (BJP’s) resolve and that the Supreme Court, judiciary and the country are all “ours” show the depth of arrogance of the ruling party’s members (Front page, “Ayodhya: SC frowns on U.P. Minister’s remarks,” Sept. 13). This distasteful statement was made not by an ordinary BJP member, but by a Minister. The Supreme Court did the right thing in condemning the comment. However, considering that some Hindutva activists are reportedly sending threatening messages to advocate Rajeev Dhavan, who is appearing for the

Waqf Board, one doubts whether the court will be able to deliver justice without fear or favour.

D. SETHURAMAN,  
Chennai

### Riding rough

While driver errors such as speeding and drunk driving are among the causes of automobile accidents and need to be punished stringently, dangerous road conditions are also a significant contributor. The recent episode of a hoarding falling on a woman driver is in a different league altogether. Who is to be punished for this ghastly accident? Various government agencies are responsible for maintaining roads and ensuring they are safe for

drivers, cyclists and pedestrians. With the new rules in force, the authorities cannot absolve themselves of liability for accidents. Blaming only citizens and levying fines is only part of the solution. We read repeatedly about ‘road safety weeks’ but never hear of a ‘road improvement week’ (Editorial, “Futile fines,” Sept. 13).

H.N. RAMAKRISHNA,  
Bengaluru

■ The government needs to make full use of technology on roads to record violations, reducing the burden on traffic police. Further, parking of vehicles on roads, footpaths and public land needs to be banned and

heavily penalised. Multi-storey parking spaces can be created by civic authorities to accommodate vehicles. Separate spaces need to be demarcated on roads for different types of vehicles and non-compliance needs to be punished. These measures will add more teeth to the regulations brought under the Motor Vehicles Act.

A.L. AGARWAL,  
Chennai

### U.S.-Iran talks

Iran needs to unequivocally welcome the departure of U.S. National Security Advisor John Bolton and the signals coming from Washington that President Donald Trump is open to talks without preconditions (Editorial page, “A U.S.-Iran

detente could be on the cards,” Sept. 13). Here, Supreme Leader Ayatollah Ali Khamenei has to take a neutral stand and let President Hassan Rouhani have his way. Only by sidelining hardliners and bringing moderates to the forefront can the two sides create the conditions for a possible rapprochement.

ABDUL RAHMAN,  
Ayodhya

### In fine print

Since the days of yore, the ‘Letters to the Editor’ section has been serving as an umbilical cord between the

newspaper and its readers. In today’s digital world, many individuals express their opinions – ranging from the sublime to the trivial – online. However, when we see a letter in print, we automatically know that it is refined and stands out amidst the clutter. No social networking platform can give one the joy of seeing his or her name in the day’s newspaper (Notebook, “The art of managing LTTE,” Sept. 13).

ADRIAN DAVID,  
Chennai

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

### CORRECTIONS & CLARIFICATIONS:

In the news report headlined “RSS softens its line on gay marriage” (Sept. 11, 2019), the references to Article 377 should be corrected to read as Section 377 IPC.

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