



Towards transparency

Disclosures on judicial appointments are welcome, but the reasons must be spelt out

The Supreme Court collegium's decision to disclose the reasons for its recommendations marks a historic and welcome departure from the entrenched culture of secrecy surrounding judicial appointments. The collegium, comprising the Chief Justice of India and four senior judges, has said it would indicate the reasons behind decisions on the initial appointment of candidates to High Court benches, their confirmation as permanent judges and elevation as High Court Chief Justices and to the Supreme Court, and transfer of judges and Chief Justices from one High Court to another. This means there will now be some material available in the public domain to indicate why additional judges are confirmed and why judges are transferred or elevated. A certain degree of discreetness is necessary and inevitable as in many cases the reasons will pertain to sitting judges. At the same time, it would become meaningless if these disclosures fail to provide a window of understanding into the mind of the collegium. It is important to strike the right balance between full disclosure and opaqueness. The collegium has suggested as much, albeit obliquely, when it says the resolution was intended "to ensure transparency, yet maintain confidentiality in the Collegium system". It is to be hoped that this balancing of transparency and confidentiality will augur well for the judiciary. The introduction of transparency acquires salience in the light of the resignation of Justice Jayant M. Patel of the Karnataka High Court after he was transferred to the Allahabad High Court as a puisne judge, despite his being senior enough to be a High Court Chief Justice.

Going by the decisions disclosed so far with regard to the elevation of district judges, it is clear that quality of judgments, the opinion of Supreme Court judges conversant with the affairs of the high court concerned, and reports of the Intelligence Bureau together form the basis of an initial appointment being recommended. While district judges of sufficient seniority and in the relevant age group are readily available for consideration, there may be some unease about how certain advocates and not others come to be considered. Given the perception that family members and former colleagues of judges are more likely to be appointed high court judges, it is essential that a system to widen the zone of consideration is put in place. There are 387 vacancies in the various High Courts as on October 1. The mammoth task of filling these vacancies would be better served if a revised Memorandum of Procedure for appointments is agreed upon soon. A screening system, along with a permanent secretariat for the collegium, would be ideal for the task. The introduction of transparency should be backed by a continuous process of addressing perceived shortcomings. The present disclosure norm is a commendable beginning.

Problem animals

The road to bad conservation is paved with good intentions

In June this year, the Bombay High Court quashed an order by the Maharashtra Forest Department to shoot a tigress in the Bramhapuri region after she killed two persons. The death warrant was overturned as a result of a Public Interest Litigation petition by an animal rights activist, which argued that the tigress's behaviour had been forged by illegal human intrusion into her territory. Forest officials were then forced to capture the problem animal and re-release her in the Bor forest reserve, less than 200 km away, putting another set of villagers in harm's way. This is the latest in a series of instances where forest departments have gone against the advice of conservation researchers; the fact that they were arm-twisted into doing so by animal-lovers makes it even more worrisome. The released tigress went on to kill two others in Bor, and the authorities scrambled to capture her again. Such actions go against conservation science. Translocating a large carnivore as a response to conflict does not work. Large predators need a certain prey density and are territorial, and they would tend to find their way back, even over hundreds of kilometres, to their original habitat. The stress of relocation, with hostility from other predators already present, often drives them to greater aggression. A 2011 study in Maharashtra showed that moving leopards from one region to another to reduce attacks on livestock only increased attacks on humans. To translocate a tiger in response to man-eating behaviour is absurd.

Conservation science sometimes throws up counter-intuitive wildlife protection strategies. In 2015, there was a global hue and cry over the killing of the Hwange National Park's star attraction, Cecil the Lion, by an American dentist. Animal lovers couldn't fathom how licences to kill lions, under Zimbabwe's trophy-hunting programme, could be legally purchased. It remains a controversial strategy. Evidence in support of the controversial strategy is admittedly mixed. But countries such as Namibia have shown that well-managed trophy-hunting schemes help conserve charismatic mega-fauna, by pumping revenue from hunting licences back into conservation. Selected individuals, often old and infirm, are sacrificed, but the species wins. This is the aim of culling man-eating carnivores too, a practice that chief wildlife wardens turn to only when they have no other choice. The idea is to mitigate conflict with humans, which itself is a danger to the species. Experience indicates that introducing problem animals into a region antagonises the local people, who can turn against the predators and kill them indiscriminately. A major challenge for India in the coming years will be to engage rural communities in conservation, because our burgeoning population and a revival in tiger numbers will only increase the intensity of conflict. Coercing terrified villagers to co-exist with man-eaters is the best way to ensure we lose our chance of doing that.

Tail wags the dog in Kathmandu

As Nepal's left-wing parties strike a surprise pact, New Delhi should let the electoral process play out



The Dasain (Dushhera) holiday was a time of a secretive exercise in Kathmandu between the leaders of the mainstream left Communist Party of Nepal (Unified-Marxist Leninist) and the Communist Party of Nepal (Maoist-Centre) leaders on seat adjustment for the upcoming provincial and parliamentary elections slated for November-December.

The announcement took everyone by surprise, including the public, the ruling Nepali Congress that is actually in coalition with the Maoists, and the Ministry of External Affairs in New Delhi, which has long been invested in Kathmandu politics.

There has been every reason to look forward to the dual elections up ahead, following on local government polls already concluded, as this would mean the long-awaited 'normalisation' of the polity. We needed respite after the decade of conflict, the decade of Constitution-writing, and times of communal polarisation and foreign interventionism. The economic resurgence emanating from political stability would also serve the people well, as also India, especially the northern 'peripheries' of Uttar Pradesh, Bihar and West Bengal.

But one is confronted instead by this distasteful cohabitation between a communist party that was developing a home-grown liberal democratic ethos and the unapologetic radical force led by the opportunistic Pushpa Kamal Dahal ('Prachanda'). The latter wants simply to keep his past from catching up – *vis-à-vis* conflict era accountability and financial scam on demobilisation funds – by using his party and cadre to remain personally, politically relevant.

The deal provides respite for a Maoist party that has been in steady decline, and Mr. Dahal can now once again be expected to disrupt democratic evolution for sake of personal survival. Even Baburam Bhattarai, who broke from Mr. Da-



hal and was wandering in the political wilderness, has found refuge in the new alliance.

Seeking the rationale

The UML, together with the Nepali Congress, constituted the democratic force that chaperoned Nepal out of the decade of excruciating conflict and into the new democratic era under a new Constitution. But today, not only is the UML going for electoral adjustment with the Maoists at an unbelievable 60:40 ratio, they have also declared plans for unification after the elections.

Why this desperation on the part of UML Chairman K.P. Oli, this risking of ignominy? Why has the UML seen fit to endanger Nepal's normalisation, cooperating with the unrepentant bosses of the 'people's war' who have proceeded to sabotage 'transitional justice' and generated hopelessness among conflict era victims?

To try for a rationale, one needs to go back to 2015, when Nepal was still in the middle of the second Constituent Assembly, with the NC and UML in a democratic alliance that was to remain for a year after the promulgation of the Constitution through to parliamentary elections. New Delhi made no bones about its dislike for the Constitution that was promulgated, and slapped a five-month economic blockade, which began during the prime ministership of the NC's Sushil Koirala and continued under Mr. Oli.

Delhi in denial

As Nepal reeled under shortages, the resulting public resentment gave Mr. Oli the political leverage to reach out to Beijing to sign 10 agreements, including on trade, transit, energy, commerce, infrastructure and investment. The blockade made Kathmandu's pivot north-

ward possible, but New Delhi retained its ability to influence Nepal affairs, and its mandarins helped engineer the collapse of the NC-UML coalition and the power-sharing arrangement between the NC's Sher Bahadur Deuba and Mr. Dahal.

The latter became prime minister in August 2016, and relinquished the post to Mr. Deuba in June 2017. With an eye to post-election government formation, Mr. Deuba picked up tiny parties into the NC-Maoist coalition, creating the largest cabinet ever in national history. Claims of Indian involvement in Nepal's political affairs tend to be pooh-poohed by New Delhi's phalanx of 'Nepal experts', many of them former diplomats or think tank-walas closely aligned to Raisina Hill. But the wearer perhaps knows better where the shoe pinches, and the first qualification of Nepal's leaders became the ability to keep Delhi mollified but at arm's length – which in fact is how the Constitution ultimately got promulgated.

While certainly New Delhi does not spend its waking hours conspiring against the neighbour, the fact is even the modest swish of the wand at South Block creates a windstorm in Kathmandu. And the messages came loud and clear, including via a Rajya Sabha Television programme in August with heavyweight panellists speaking 'the line', that Mr. Oli must be prevented at all costs from becoming Prime Minister. Some Kathmandu players were pleased at the prospect, others naturally distressed.

Besides annoyance with Mr. Oli, New Delhi's concerns have been heightened by Beijing's accelerating proactivism in Nepal, signalling a shift in the hands-off policy that had survived since the days of Zhou Enlai. Beijing has long favoured a coming together of the 'commun-

ist' forces, which too is a result of an under-appreciation of the democratic sophistication of Nepal and lack of understanding of the democratic chasm between the UML and Maoists. It is obviously too much to expect Beijing to respect democratic nuance, but at the same time it would be wrong to claim that the northern neighbour engineered the dramatic announcement of Dasain.

Altar of realpolitik

Mr. Oli is the political leader who has been the most clear-headed about Maoist atrocities from the conflict era. It was during his time as Prime Minister, nine months till July 2016, that Mr. Dahal was brought close to accepting the principle of accountability for (stateside and rebel) excesses committed during the conflict. Which is why it is incongruous (some would say poignant) to see the shifting political sands pushing him now into the arms of Mr. Dahal.

It was hardly as if others had not collaborated with the Maoists before this, which is why the remonstrations of the NC faithful and New Delhi commentators lack credibility. Even as this is written, the NC, avowed 'democratic' party started by B.P. Koirala, remains in coalition government with Mr. Dahal's Maoist party, and had an electoral alliance with him in the local government polls.

The Maoists have in fact long been kosher for New Delhi, which has engaged, cajoled and intimidated Mr. Dahal for over a decade to get its way, even overlooking his 'anti-Indianism' on the altar of realpolitik. India has employed a carrot-and-stick approach on Mr. Dahal – even selectively making use of the platform of the UN Human Rights Commission in Geneva to put the fear of retribution in him – and so New Delhi may fulminate today but its options are limited.

Having worked tactically with the Maoists, it does not behove the NC to decry the UML-Maoist alliance. Instead the deal must be firmly questioned on objective considerations – because it denies the Nepali public's desires for peace and accountability, for being opportunistic and abandoning ideology and morality altogether. The alliance must be challenged because it opens the avenue for exten-

ded political instability when we thought the society was settling down at last.

Directly and indirectly, the alliance will contribute to the further enfeebling of state institutions, as has been the case over the past decade of Mr. Dahal's ascendancy. Rampant politicisation and skyrocketing corruption has already accelerated the deterioration of bureaucracy, judiciary, education (school and higher education), government services and economic activity.

Back to ideology

If one were to desperately search for a silver lining, it would be the hope that the Nepali Congress will take advantage of being let off the Maoist hook, with new leaders to bring some civility back into the politics. The smaller, newer or regional parties may be attracted to work by the principles abandoned by the seniors, or there may be a useful consolidation of heretofore fragmented forces including the Madhes-centric parties of the plains. And, who knows, the UML's Mr. Oli may have something up his sleeve to bring the Maoists to the point of apologia and accountability.

New Delhi diplomats, meanwhile, will hopefully try and understand how meddling can lead to unexpected results that spiral beyond one's control. Certainly, they should desist the urge to rope in some Western powers and try to influence Kathmandu players for a postponement of upcoming elections. Such an effort to buy time would surely boomerang, as the Nepali public is primed and ready for the polls.

As the Maoist tail wags the UML dog, as it did wags the NC dog before this, it is important for the two large democratic parties to get back to ideology and come to a minimum understanding on democratic values and accountability. Elections have shown the commitment of the citizens of mountain, mid-hill and plain to representative democracy based on ideological differentiations. If only the parties showed the same commitment, resilience and acuity.

Kanak Mani Dixit, a writer and journalist based in Kathmandu, is founding editor of the magazine 'Himal Southasian'

Knitting a safety net

Responsive social and care systems for mental health issues must be pursued relentlessly

VANDANA GOPIKUMAR, S. PARASURAMAN & SANJEEV JAIN

Durga spent more than half her adult life battling mental illness. Driven by allegiance towards her children, she seemed committed to recovery, following her first breakdown. Her daughters, now married, remained unwavering in their support. She, however, felt like a burden, and experienced a sense of alienation. Disheartened by seemingly inadequate standards of responsiveness on emotional and pragmatic needs, she felt let down by her family. Determined to die, rather than live a life bereft of the joy of mutually valued relationships or dignity of self-reliance, she set herself alight, undaunted by the finality of her decision.

One wonders if longer periods of institutional care or financial recourse could have saved her; though irreconcilable experience of social distance seemed her primary disadvantage. Earlier, even when confronted by grave adversity, she had doggedly pursued the goal of securing her children's safety and future, and fought social systems that ostracised her on multiple counts: economic class, gender, status of a widow, and indeed her mental illness. Her focus on achieving valued gains for her children gave her hope, purpose and meaning.

Today, 800,000 persons die by suicide globally and over 1,33,000 in India every year. Among 15-29 year olds, it's the second leading cause of death. Reasons attributed range from family problems and ill health to mental illness, debt, unemployment, failure in exams and relationships.

Those who have studied the nature and manifestation of such profound distress attribute it to factors ranging from neural networks to unfulfilled expression of autonomy, affiliation, dominance, etc. We align our views to three theories. The first by psychologist Thomas Joiner, who posits that those who experience a 'thwarted sense of belongingness' and 'perceived burdensomeness' when coupled with a 'sense of fearlessness' are at highest risk. The second, by Emile Durkheim, who links diminished and extensive social connections or low and high integration with society, and suicide. The third, Marsha Linehan's attributions, which include one's biological predisposition, trauma and deficits in emotional self-regulation.

Why the distress?

We argue that multiplicity of seemingly intractable material and existential problems results in turmoil, followed by confusion and apathy that invokes feelings of distance, quietness and feeling



trapped. Inability to grapple with the complexity of economic and social pressures of survival and conformity seem to result in an all-pervasive sense of hopelessness. While this hypothesis needs testing, it is evident that a breakdown in safety nets augments social vulnerabilities and builds insurmountable distress.

History shares with us the essentiality of social policies that support those in distress through periods of economic lows. As accentuated levels of social suffering prevailed through the Great Depression in the U.S., at the intersections of health and social domains, it was death by suicide that showed significant increase in incidence, in comparison to most other ill health conditions. States that maintained social equilibrium safeguarded essential interests of the disadvantaged through uninterrupted investments in health, education and social sectors. In this context, it may be important to note that

70% of persons who died by suicide in India lived on an annual income of ₹1 lakh.

The way forward

As we better understand predictors of suicide, key harm reduction theories emerge. Responsive health systems have to be pursued, unequivocally with a sense of commitment and urgency. While debt and ill health-related issues feature as disparate pieces that exacerbate distress, they come together in a vicious nexus to build despair. The injustice of relative poverty or the anguish of perpetual and intergenerational distress resulting from intractable structural barriers pose a form of uncategorised violence that result in passive resignation, and worse still, a lack of optimism and a chronic and irrefutable state of hopelessness.

The Bhore Committee had stated that every Indian should be able to access health care "without the humiliation of proving their financial status, or the bitterness of accepting charity". Unfortunately, this doesn't stand true even today.

In the case of the ultra-poor living with mental health issues, targeted social interventions such as the disability allowance, an entitlement, that helps mediate struggles of deprivation, and by extension, exclusion, mandated by the Mental Health Care Act and the Rights of Persons with Disability Act, must

be better streamlined, adopting an integrated single window health and social care system that will minimise cumbersome bureaucracy.

At a societal level, widening gaps linked to power and control may have defeated values of empathy and engaged compassion. Within families and across social groups, a mutual sense of responsibility and affiliation towards each other must be reinforced, through rituals and culture, social training or self-learning. Being kinder helps save lives and even as we celebrate diversity and agency, values of interdependence have to be strengthened.

Finally, focus on personal meaning that motivates and goads one forward must be ardently pursued. Caught in the quagmire of everyday struggle and social forces, personal aspirations built on the foundation of dominant social norms may stealthily appropriate our authentic core, as we realign our values and positions and conform. Maybe the liberty of expression, that is considerate of heterogeneous social circumstances and yet free, will give us a fillip to discover our truth and a vital strain of hope.

Vandana Gopikumar is Co-Founder, The Banyan and Professor, TISS, S. Parasuraman is Director, TISS, and Sanjeev Jain is Professor, NIMHANS

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.

At Vadnagar

The election scenario in Gujarat has been set to 'fast forward' mode as a result of the visit by Prime Minister Narendra Modi ("I drink poison for nation", October 9). There is no one in the Opposition, which is in a state of disarray, to match his oratory skills, a cardinal requisite for getting a box full of votes. Hence, with a victory in Gujarat he can easily place his bet on a huge victory in 2019. As the writing on the wall is clear, the dynamics of the Congress party must change and take advantage of the economic slowdown caused by demonetisation and GST. A win for the Congress in

Gujarat is a must to take on the BJP with confidence in the larger parliamentary election. Democracy demands that lively elections are fought on equal political strength. The Congress has to think quickly and act fast.

VICTOR FRANK A., Chennai

Taking over the reins

The stage may be set for Rahul Gandhi to be elevated to the top post in the Congress party's hierarchy but the immediate challenge before him is to revive the grand old party that is in the throes of a crisis. Sidelining veterans and ignoring their sage

political advice, surrounding himself with a coterie of yes men and aligning the party with so-called 'secular' parties that follow appeasement politics are factors leading the party into a deeper mess. He must demonstrate political maturity, nationally and internationally. Rather than criticising Mr. Modi, he must offer an alternative vision and solutions to problems in his discourses ("The legacy that binds", October 9).

NISHANT CHOUDHARY, Naandla, Ajmer, Rajasthan

■ Rahul Gandhi is perceived

as one who is still uncertain of his own self. But he does not have to look beyond his own family to rediscover himself and become an effective mass leader. Giving preference to merit in choosing a team like Jawaharlal Nehru did, showing courage and conviction that Indira Gandhi had, acquiring the polished demeanour that Rajiv Gandhi had and demonstrating the tenacity that Sonia Gandhi has can help him reinvent himself.

Y.G. CHOUBESEY, Pune

The power of Che
Ernesto 'Che' Guevara still remains the most popular

rallying point in the world when it comes to talking about the power of a revolution ("A revolutionary power to heal", October 9). He is not only a symbol of anti-imperialism but also of humanity and justice. He was never be oblivious to the poverty stalking Latin American countries and

fought against injustice till his last breath. His struggle will continue to be an inspiration to those fighting fascism and the attempts by the right wing to obstruct the minorities.

ABIN HARIS, Thiruvananthapuram

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CORRECTIONS & CLARIFICATIONS:

The report headlined "Ready to scramble any time: IAF chief" (Oct. 9, 2017) referred to a function to mark the 85th Air Force Day. It should have been 85th Air Force Anniversary. The headline of a story – about women fighter pilots getting ready to pilot military jets – carried alongside this report, should have been "Women fighter pilots to fly MiG-21 Bison".

A Sunday magazine story "Amitabh Bachchan: Old enough to not look back" (Oct. 8, 2017) wrongly stated that Bachchan was turning 74. He is actually turning 75.

The Readers' Editor's office can be contacted by Telephone: +91-44-28418297/28576300; E-mail: readerseditor@thehindu.co.in