

It's time for India and Pakistan to walk the talk

Given the various breaches, the Simla Agreement could do with a makeover



V. SUDARSHAN

The Simla Agreement may be somewhat overrated. It could even be dead though we keep referring to it as a guiding light and take shelter behind it. Signed on July 2, 1972, by Prime Minister Indira Gandhi and Pakistan President Zulfikar Ali Bhutto, the Agreement has been observed mainly in its breach. It commits the two countries to "put an end to the conflict and confrontation that have hitherto marred their relations and work for the promotion of a friendly and harmonious relationship and the establishment of durable peace in the sub-continent". Pending "the final settlement of any of the problems between the two countries", it stipulates that "neither side shall unilaterally alter the situation and both shall prevent the organization, assistance or encouragement of any acts detrimental to the maintenance of peaceful and harmonious relations". This is followed by a list of admirable, if ineffectual, exhortations. If these had been implemented effectively by New Delhi and Islamabad, Hafiz Saeed and Masood Azhar could well have been tourists in India rather than terrorists. Given the various breaches, the Simla Agreement could do with a makeover.

It took more than 10 years after Simla to group the subjects that India and Pakistan would sporadically talk about, and even then the two countries have been going around in circles. It is reasonable to assume that nowadays Pakistan talks more about India and Kashmir to the U.S. than to India. Terrorism was one of the subjects that the two nations emphasised they would bilaterally discuss, but the 2011 Mumbai blasts shattered that premise. Since then India has been talking about Pakistani terrorism not so much with Pakistan as with any country willing to listen. This is probably why U.S. President Donald Trump revealed at the Oval Office on July 22 that he and Pakistan Prime Minister Imran Khan would be "talking about India". "I think maybe if we can help intercede and do what



Prime Minister Indira Gandhi and Pakistan President Zulfikar Ali Bhutto signing the Simla Agreement in July 1972. THE HINDU ARCHIVES

tever we have to do," he said. "But I think it's something that can be brought back together."

Clinton's role during Kargil

President Trump may have been overstating it, but when the Simla Agreement was violated in Kargil, it was an American President who helped push the Pakistani troops back into Pakistan. As the Kargil War began to get bigger, a worried President Bill Clinton, who called the region "the most dangerous place in the world", reached out to both Pakistan Prime Minister Nawaz Sharif and Prime Minister Atal Bihari Vajpayee, urging Mr. Sharif to pull back from the Line of Control (LoC) and Vajpayee not to widen the war front.

On July 2, 1999, the 27th anniversary of the Simla Agreement, when the Indian Army launched a three-pronged attack in Kargil, Mr. Sharif called up Mr. Clinton. He wanted the Americans to intervene. To make it happen, he was even ready to fly to Washington with his family in case he became a Prime Minister in exile. Two American diplomats in the Clinton administration, Bruce Riedel and Strobe Talbott, detail the developments in fascinating detail. They write that the Americans told Mr. Sharif not to come unless he was willing to agree to an unconditional withdrawal. Mr. Sharif told the Americans that he was coming anyway. Presi-

dent Clinton, who had been briefing Vajpayee every little step of the way, called him. Vajpayee was by then a sceptic of peace. He had made a high-risk bus trip to Lahore and the Pakistanis had rewarded him by violating the Simla Agreement in Kargil to seek to alter the LoC. Vajpayee did not tell Mr. Clinton that this was a bilateral affair and he should stay out of it. Instead, he warned the President that Mr. Sharif would take him on a merry ride, and he was afraid that Mr. Clinton would get co-opted. Mr. Riedel, who was present at all the meetings, writes in "American Diplomacy and the 1999 Kargil Summit at Blair House": "Sharif handed the President a document which he said was a non-paper provided to him early in the crisis by Vajpayee in which the two would agree to restore the sanctity of the LoC (a formula for Pakistani withdrawal) and resume the Lahore process. Sharif said at first India had agreed to this non-paper but then changed its mind".

Mr. Sharif wanted a withdrawal in return for a time-specific resolution of the Kashmir issue. President Clinton exploded saying he wouldn't be blackmailed. The meeting broke to take stock of the matter. During the break, President Clinton called a worried Vajpayee to brief him again. "What do you want me to say," Vajpayee asked when informed of what had gone on. President Clinton res-

ponded that he was holding firm. When they met again, Mr. Clinton told Mr. Sharif that if Pakistan didn't withdraw, he would issue a statement naming Pakistan as a sponsor of terrorism as it had already readied nuclear missiles. Mr. Sharif said he feared for his life, but he reluctantly agreed to pull back troops. President Clinton called Vajpayee to give him the news. "That guy's from Missouri big-time," he said later. "He wants to see those boys get off that mountain before he's going to believe any of this" (*Engaging India*, Strobe Talbott). The U.S. helped boot out the Pakistanis from Kargil for India.

Trump's hint

Was what President Clinton did mediation? Or was it intervention? Or meddling? Or was this all a shining example of bilateralism envisaged in the Simla Agreement? President Trump gave India a preview on February 28, before Wing Commander Abhinandan Varthaman was freed by Pakistan, of what was coming when he said: "We have some reasonably decent news. I think hopefully that's going to be coming to an end. It's been going on for a long time, decades and decades. There's a lot of dislike, unfortunately. So we've been in the middle trying to help them both out, see if we can get some organization and some peace, and I think probably that's going to be happening." Was that mediation or the Simla Agreement at work? Nobody pointed out to President Trump that only the Ministry of External Affairs or the Pakistani Foreign Office or the Director General of the Inter-Services Public Relations were allowed to make such announcements.

We have to recognise that the world has changed since the Simla Agreement was signed. After the 1971 war, India returned land taken in battle on the western border, to create lasting peace. The LoC is now more firmly established than ever before. There is no talk any more of United Nations resolutions. Most of the subjects in the 'composite dialogue format' like Siachen, Sir Creek and Wular Barrage have been discussed threadbare. Some of them have been ready for political signatures for years. If the way forward is bilateral, then surely it is time to prove it?

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FROM THE READERS' EDITOR

Dialogue dividends

The Hindu's Open House ensures a free and frank exchange of ideas between readers and senior editors



A.S. PANNEERSELVAM

The *Neiman Reports* recently explored the idea of 'dialogue journalism' in a piece titled, "Can dialogue journalism engage audiences, foster civil discourse, and increase trust in the media?" In that report, Chuck Todd, the moderator of NBC's Meet the Press, observed: "As a journalist, you can't just sit in the observation tower anymore and report that one side is saying this and the other side is saying that. Listening to community voices and encouraging them to listen to each other is not a new tactic in journalism, it's just more of a necessity than before." In polarised times, dialogue helps people listen to each other rather than emphasise their own points in echo chambers. In my experience, *The Hindu's* Open House has become a forum for engagement. It is a form of dialogue journalism.

Discussion in the Open House

We invited 40 readers for the last Open House, which was held in Kochi on July 27, for a free and frank exchange of ideas with the senior editorial team led by the Editor. A representative from the management was also present to address non-editorial queries. We provided adequate time to the readers to raise their concerns. It was heartening to note that there were young college students, literary translators, teachers and retired bureaucrats in the audience. The reason for limiting the number to 40 was to ensure that every participant got an opportunity to express his or her opinion.

Louise Diamond of The Institute for Multi-Track Diplomacy once said: "Dialogue means we sit and talk with each other, especially those with whom we may think we have the greatest differences. However, talking together all too often means debating, discussing with a view to convincing the other, arguing for our point of view, examining pros and cons. In dialogue, the intention is not to advocate but to inquire; not to argue but to explore; not to convince but to discover."



Instead of being trapped in the binary of digital media and legacy media, readers understood the value of the process of news-gathering and news processing. Two young readers, Anna Kattampally and Chithra S. Nair, both graduate students from St. Teresa's College, said younger readers now wait for proper journalistic writing to know the truth as social media forwards carry too much misinformation. They told us that there is a dramatic increase in the sharing of sensational, unverified content which is eroding trust in various institutions. They said that the fact that such messages come from known circles give them some form of credence. It is in this context that they have decided to become readers of *The Hindu*, a newspaper which makes central to its news coverage the act of verification.

A difficult balance

Many readers spoke of a balance of hyperlocal, local, state, national and international news. Diverse opinions indicated that any fixed formula would make someone unhappy, as the interests of each reader are different from another's. One idea that the Editor approved of was the creation of an edition-centric letters section to deal with local and civic issues. This can be a form of citizen journalism. He has promised to make the local letters section an interactive one: readers will raise issues and the newspaper will seek responses to these issues from the authorities concerned. One reader said that the official responses could become formulaic and wanted the newspaper to examine both the complaints and the responses, so that there is a system of accountability. This new section should be available within a fortnight.

In the era of digitisation, a question that was asked was, shouldn't news be free? When there are multiple sources of information, why should a publication have a paywall? Some argued that the paywall proposal was an attempt to turn news into a commodity that people are willing to pay for.

The answer is simple: news costs money, and credible news costs more money. It is our own democratic investment to pay a fair price for high-quality journalism. For nearly a century, the revenue model was driven by advertising, which is now getting fragmented across platforms.

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Respecting reproductive choice

Regulation of commercial surrogacy rather than a blanket ban may be the way forward

VIJAITA SINGH

It is unfortunate that the Surrogacy (Regulation) Bill, 2019, approved by the Cabinet, bans and criminalises commercial surrogacy and only allows altruistic surrogacy. The Bill stipulates that a surrogate mother has to be a 'close relative' of the intending couple.

Imposing morality

The legislation shows that the government is eager to impose a certain morality on others as the Bill excludes gay couples, single men and women, and unmarried couples who want a child. In doing so, the government overlooks the needs of many same sex couples and single parents.

In its earlier form, the Surrogacy Bill was cleared by the Lok Sabha on December 19, 2018. It was passed after a short debate of just two hours among only nine members of Parliament. It could not be introduced in the Rajya Sabha, however. At that time, the Health Minister, J.P. Nadda, said various political parties supported the Bill which was drafted "keeping the Indian ethos in mind". He said the "intention is to save the family" and if the family is not able to bear children, to help them bear children through facilities offered by modern science. A family, according to the Minister, consists of "a registered husband and wife." The 228th Law Commission India Report on Commercial Surrogacy too strongly recommended prohibiting commercial surrogacy. However, it said that "prohibition on vague moral grounds without a proper assessment of social ends and purposes which surrogacy can serve would be irrational."

How did the the Health Ministry conclude that that all forms of commercial surrogacy are suspicious? If it relied on or conducted studies on commercial surrogacy, it would be helpful if it shared these with the public, especially since this Bill, if it becomes law, could affect the chances of many couples in India who are desperate for children and whose only ray of hope is often commercial surrogacy. Is there an inventory of clinics offering commercial surrogacy services? If yes, did the health inspectors carry out inspections?

Should there be a charter of regulations that these clinics must follow? Many questions remain unanswered.

The legislation allows surrogacy only through a close relative. However, the Bill doesn't define 'close relative'. Moreover, the surrogate, the Bill says, should be married, aged 25 to 35, and should have at least one child. This further brings down the number of eligible surrogate mothers.

Votaries of the ban have argued that commercial surrogacy is used for trafficking, and foreigners abandon children born through surrogates. Such violations should be addressed with an iron fist. However, has there been a comparison between the number of cases of misuse and those cases where families have benefited from surrogacy? Other practices are misused too, but they are all not banned.



Tightening regulations

The focus should be on the well-being of the surrogate. The intending couple should ensure financial enumeration, a sound insurance cover and regular health check-ups for the surrogate. The relevant parts of the process should be legally documented. To impose a ban where better regulation may have sufficed will only take the entire process underground. Tightening regulations would respect the interests of infertile couples who might have a chance to have a child through surrogacy. That would also respect the woman's choice about how she wants to bear a child.

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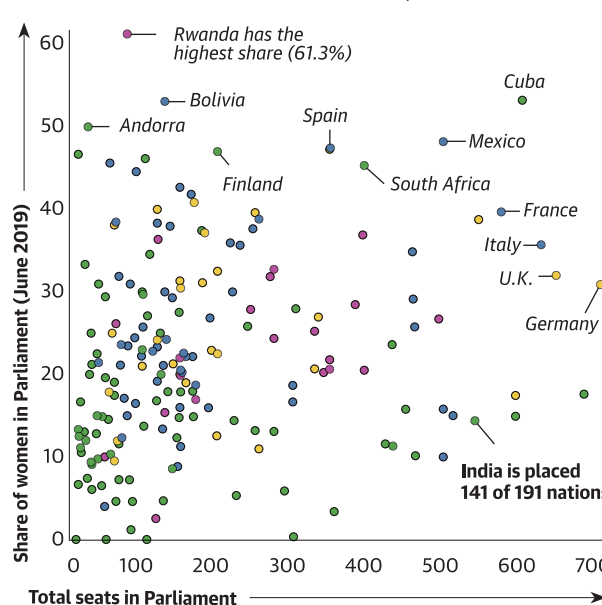
DATA POINT

Women in charge

Despite the share of women legislators in the Lok Sabha peaking at 14.39% as of June 2019, India is still worse than 140 countries in the representation of women in Parliament. The global average for the share of women parliamentarians stood at 24.6%. By Sumant Sen

Global snapshot

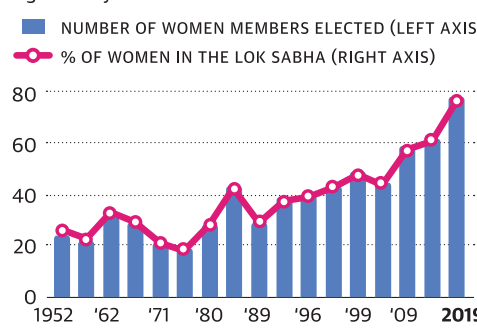
The graph plots the number of seats in Parliament against the share of women legislators in 191 countries. Each circle is a country. ● indicates countries that have a quota for women in Parliament; ● denotes countries where parties are mandated to field a certain % of women candidates; ● depicts countries where parties give quota to women but are not mandated to do so; ● indicates no quota for women



Source: Inter-Parliamentary Union, International Institute for Democracy and Electoral Assistance, Election of India Atlas, Trivedi Centre for Political Data, UN

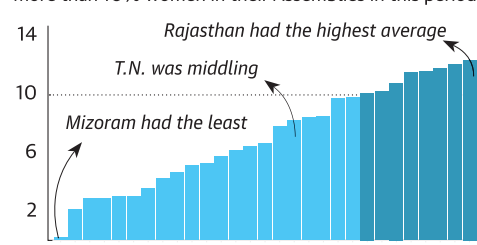
Slight uptick

The graph shows the share of women lawmakers in the Lok Sabha from the first election to the latest. The % of women parliamentarians has gone up significantly in the last three terms of the Lower House



State of play

The graph shows the average share of women MLAs in State legislatures between 2008 and 2018. Each bar is a State. Only nine States had an average share of more than 10% women in their Assemblies in this period



The Hindu

FROM THE ARCHIVES

FIFTY YEARS AGO JULY 29, 1969

Signs of ferment in Nepal

The suppression of three newspapers here [Kathmandu] last week, along with the arrest of student demonstrators and a prominent member of the National Assembly, focussed attention on the troubled political conditions in Nepal. The developments indicate that the Panchayat or Assembly system of limited representative Government inaugurated by King Mahendra nine years ago is running into serious new difficulties. One of the chief elements in the situation is a Communist movement looking mainly toward Peking that stands to profit if turbulence and repression continue. The latest flare-up of student restiveness results from recent student union elections. For years, Communist nominees have been winning the annual vote but this year non-Communists came out ahead. Demonstrations by rival factions centred on international issues, with the Communists attacking their opponents through anti-Indian slogans, denouncing the small Indian military liaison group in Nepal, Indian border watchers on the Tibet frontier and India's position over Susta, where location of boundary posts is in dispute.

A HUNDRED YEARS AGO JULY 29, 1919.

Letter to Mr. Gandhi.

A portion of the correspondence that has lately passed between Mr. Gandhi and the Hon'ble Sir George Barnes, Commerce and Industries Member of the Government of India, in regard to the Asiatic Trading Amendment Act, passed by the South Africa Legislature, has been issued to the Press [in Bombay] by Mr. Gandhi. It consists of two letters, one written by Sir George Barnes to Mr. Gandhi on the 18th instant reviewing the position in South Africa at length, regretting that protests from the Government of India had been unavailing and assuring that the Government would consider most anxiously further action to be taken when the full text of the new statute is received, and the other being Mr. Gandhi's reply to Sir George Barnes. The following is the text of Sir George Barnes's letter to Mr. Gandhi: Dear Mr. Gandhi, I sent you only a very short note a few days ago in answer to your letter because I wanted to defer a fuller answer until I was able to deal with the subject at length. I told you, in my first note, that I felt certain that you needed no assurance from me that the events in South Africa which have led up to the passing of the new statute have caused the Viceroy and myself the deepest anxiety.