



Act and friction

A national commission is essential to make appointments to tribunals

Recent developments have demonstrated the Union government's implacable determination to undermine the autonomy of the various tribunals in the country. It recently got Parliament to enact the Tribunals Reforms Act, which contained provisions that had been struck down by the Supreme Court in an ordinance issued earlier. After being sharply questioned by the Supreme Court on the unusual delay in filling up vacancies among judicial and administrative members, it released a set of appointments this week. The Court found that there was cherry-picking among the names chosen by the various Selection Committees. Instead of exhausting the selection list put together by panels of judges and officials, the Government had waded into the waiting list to exercise its choice. In another development, the Government cut short the tenure of the Acting Chairperson of the National Company Law Appellate Tribunal (NCLAT), Justice A.I.S. Cheema, by 10 days. Mr. Cheema was set to deliver in some matters on which the NCLAT had reserved judgment before retiring on September 20. The Government's justification was that it was going by its latest law, under which the Acting Chairperson's four-year tenure would end on September 10 and that Justice M. Venugopal had already been appointed in his place. However, a Bench headed by the Chief Justice of India, N.V. Ramana, was of the strong opinion that he should be allowed to complete his tenure, and even remarked that the Court would not hesitate to stay the operation of the Act on its own motion. Fortunately, the matter was resolved quickly, with the Government backing down and agreeing that Justice Venugopal would go on leave until Justice Cheema finished his stint on September 20.

The issue of tribunals has been a source of considerable friction between the Government and the Court. They have often disagreed on the eligibility criteria and conditions of service and a series of judgments have gone against the Government. Clauses introducing changes to the conditions of service of members of the various Tribunals have often been subjected to judicial view. Courts want to ensure that a reasonable tenure was available to the appointees, and do not allow criteria related to age and experience to be used to undermine their independence. Tribunals have always been seen as institutions that were a rung lower in independence as regular courts, even though there is wide agreement that administrative tribunals are required for quicker and more focused adjudication of cases that required specialisation and domain expertise. As several laws now provide for such adjudicative bodies, the executive does have an interest in retaining some leverage over their members. The Supreme Court has repeatedly called for the establishment of a national tribunals commission to make suitable appointments and evaluate the functioning of tribunals. If the Government has been dragging its feet on this, it is only because there is a method to its mulsiness.

Stepping back

Kohli's decision to retain ODI captaincy while relinquishing T20I leadership is strange

Captains have a shelf-life and the player usually outlasts the leader within the individual. This is true across sport and more so in cricket, with its three distinct formats and the attendant pressures. Seen through that prism, it is remarkable that Virat Kohli has had such a long run at the helm since his appointment as Test captain following M.S. Dhoni's retirement from the longest format on December 30, 2014. Since that day in Melbourne, Kohli, both batsman-supreme and aggressive-captain, has striven hard for success and balance. Subsequently, Kohli also held the reins in One Day Internationals and Twenty20Is from early 2017. He got prolific runs be it in Test whites or in the blue shade and he savoured triumphs with his men even if ICC silverware in limited-overs cricket or in the World Test Championship proved elusive. He also leads Royal Challengers Bangalore in the Indian Premier League (IPL), which resumes in the United Arab Emirates (UAE) on Sunday. Be it finalising playing elevens, evolving strategies, having a word with the selectors or addressing the media, captaincy throws up manifold challenges. The pressure was immense, and Kohli took to social media and announced that he will step down from captaincy in T20Is after the ICC Twenty20 World Cup concludes in the UAE this November.

Over the last few months, there was chatter about the Indian team's captaincy sweep-stakes. And Kohli's move was not entirely a surprise but what remains piquant is that he has not relinquished captaincy in ODIs. Perhaps the 2023 ICC World Cup in India is too massive a brand for Kohli to ignore. Yet, it leaves his successor in T20Is, most likely Rohit Sharma, in an awkward position. Captaincy is usually split between red-ball and white-ball cricket but with Kohli preferring this nuanced choice of both Test and ODI leadership, he is only leaving the crumbs for the imminent captain in T20Is. It is a fact that Rohit has led Mumbai Indians well in the IPL, guiding them to five titles. His relaxed demeanour is in contrast to Kohli's in-your-face aggression, but Rohit gets the work done, both as batsman and leader. With his credentials as Test opener gaining a fresh glow in England, the Mumbaier, always a splendid batsman in limited-overs cricket, has grown in stature. At 34, Rohit is nearly two years older to Kohli, but for now he is primed for guiding the transition and has seemingly edged past the other candidate Ajinkya Rahane in Tests. But that will happen only if Kohli decides to remain a pure batsman or the selectors intervene. For now, a change, however feeble, has begun in T20Is.

Picking up the threads from the Afghan rubble

Of all the countries involved in Afghanistan, India possibly has the best credentials to enable Kabul's neutrality



M.K. NARAYANAN

The Taliban does appear to have established control, by and large, over Afghanistan, with the last remaining holdout at Panjshir having fallen. Nevertheless, many more questions than answers exist. One significant question is whether the 'Global War on Terror' has been consigned to the detritus of history or not.

Much turmoil, terror shoots

The latest episode in Afghanistan's tragic history has resulted in several thousands being displaced, and many thousands being forced to flee the country. The overweening threat, however, remains including the presence of many newer terrorist outfits, such as Daesh, ISIS-K, al Qaeda, Jaish-e-Mohammad (JeM), Lashkar-e-Taiba (LeT), ETIM-K (a militant group from China's Xinjiang), the Fidayeen mahas, all of which are the enduring legacies of 20 years of foreign occupation.

The Taliban have in the meantime, announced the setting up of a 33-member interim government, headed by Mullah Mohammad Hasan Akhund as the acting Prime Minister. Prominent appointees include Abdul Ghani Baradar as acting Deputy Prime Minister, Sirajuddin Haqqani as acting Interior Minister, Mullah Mohammad Yaqoob as acting Defence Minister, and Amir Khan Muttaqi as acting Foreign Minister. Notwithstanding earlier pronouncements by the Taliban, the government is, for the present, solely a Taliban construct, and overwhelmingly Pashtun in character. Pakistan holds certain key cards given the prominent role assigned to its protégés, Sirajuddin Haqqani and Mohammad Yaqoob, the son of Mullah

Omar. The new government is unlikely to be fazed by the fact that quite a few members of the interim government are on various terror lists, including that of the United Nations and the United States.

A great deal of wringing of hands about the choices made may exist, but on a deeper reflection, it would be apparent that the original sin was the U.S. Agreement with the Taliban last year, which conferred on the group a degree of international recognition. Many more aftershocks can also be expected. Hopes of a pragmatic Afghanistan behind the religious garb may thus prove highly evanescent.

What was achieved in Afghanistan, despite two decades of U.S. and North Atlantic Treaty Organization (NATO) occupation, can be summed up in three words: an unmitigated disaster. Destruction of the terror network – essentially of the al Qaeda network – was an objective which was far from achieved. Terror networks were driven underground for a time, but many new variants such as the Islamic State and many offshoots of the same thrive not only in Afghanistan but also in many different regions of the globe.

India's engagement

The facade of seeking to impose democracy in Afghanistan currently stands exposed, but the real damage possibly done is to the idea of democracy itself. Spending trillions of dollars cannot cloak this flawed effort. India's efforts regarding the economic development of Afghanistan have been rendered inoperative, and its reputation has suffered lasting damage. More serious is the fact that India's relations with the new Taliban leadership remain strained due to its association, earlier with the Northern Alliance, and subsequently with the Hamid Karzai and Ashraf Ghani administrations. This has put India in a different category, compared to many of Afghanistan's other neighbours such



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as China and Russia. Pakistan clearly falls into a different category as the 'patron saint' of the new regime.

Those who do not heed the lessons of history, it is said, are doomed to perdition. Afghanistan has been the graveyard of the ambitions of many nations in the past, notably Great Britain and Russia. Ever since the days of the Great Game between Russia and Great Britain, and right through the Cold War between the U.S. and the Soviet Union, Afghanistan had been viewed as strategically important. Its strategic value has only increased subsequently. The hasty withdrawal of the U.S. from Afghanistan is not merely a setback for the U.S., but for all those who sided with it.

Beginning with the decision of the Donald Trump Administration to institute talks with the Taliban – and not with the government headed by Mr. Ghani – for the withdrawal of U.S. troops which not only legitimised the Taliban and acknowledged their premier role in the affairs of Afghanistan, the U.S. has committed one error after another.

Duplicitous roles

Its unfailing trust in the creator of the Taliban, the Pakistani Inter-Services Intelligence (ISI), which, while pretending to be an ally, outsmarted the U.S. is another. The Taliban are beholden to the ISI and it was hardly a surprise that the ISI Chief, Faiz Hameed was there to greet Mullah Baradar when he flew into Kandahar. Safe havens of the Taliban for the past

two decades have been in Pakistan and these were not only well known to the ISI, but also nurtured by it. Even the U.S. knew that the Taliban's Shura Council was located in Quetta (Balochistan).

The near duplicitous role of Qatar, another important U.S. ally, which has nurtured the Taliban leadership in recent years, also bears scrutiny. In a bid to outflank Saudi Arabia (and emerge as the new fulcrum of West Asian politics), Qatar is known to play both sides. While being perceived as a U.S. ally, it pursues its own brand of politics – including that of acting as a shoulder for the Taliban to lean on. Not one, but at least three U.S. Administrations should, hence, share the blame for the catastrophic retreat from Afghanistan.

The eyes on the pie

The collapse of U.S. involvement in Afghanistan, and the simultaneous rise of the Taliban with their outreach to Pakistan, China, Russia, and to an extent even Iran, are likely to set in train developments that could alter the geo-politics of the region. Russia, though no longer the power it once was, is currently seeking to enlarge its influence in Eurasia, and the Afghan imbroglio gives it an opportunity. China, which envisages domination of Asia as the first step in its bid to become the world's number one power, sees Afghanistan as a prize both from a geo-economic and geo-political standpoint. Eyeing the mineral wealth of Afghanistan is only one aspect; a key objective is to make its Belt and Road Initiative a truly viable entity, and further extend its reach to the Indian Ocean, without being totally dependent on Pakistan.

Many West Asian countries are, meanwhile, assessing the situation in Afghanistan to see how best to take advantage of the fluid situation. The United Arab Emirates and Qatar have already shown their hand. Saudi Arabia is anxious to become involved, more so to

prevent Iran from extending its influence into Afghanistan. Iran is anxious to secure a hold in Afghanistan to enhance its own security. Uzbekistan and Tajikistan, which have a rather troubled relationship with Afghanistan, are unwilling to maintain peace with a Talibanised Afghanistan. The U.S.'s plans to enhance regional security/connectivity through a new Quadrilateral diplomatic platform, meanwhile, may well prove still-born, even before it takes off.

The path for New Delhi

India's concerns regarding Afghanistan have as much to do with geo-political positioning, as to prevent Afghanistan from becoming a crucible for pro-terror forces that could impact India's security. Hence, it must think hard on how to overcome the adverse constellation of forces that have emerged. One possibility is for India to take on a mediating role among the different nations anxious to involve themselves in Afghanistan, and produce a formula that would help maintain Afghanistan's neutrality and ensure that it becomes a buffer zone to prevent further Chinese expansionism towards South Asia.

Seven decades ago, India had performed such a mediating role in bringing tentative peace to what was then Indo-China, now Vietnam. It is critically important for India to ensure the unity and the integrity of Afghanistan, and in turn achieve an agreement in principle to maintain Afghanistan's neutrality.

Of all the countries currently involved in Afghanistan, India possibly has the best credentials to act as an honest broker; India should choose someone who can act like a 'Zelig-like figure' to ensure that the final decision is something that would ensure peace in the region and prevent any major turmoil in South Asia, checkmating both Pakistan and China.

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A dark cloud in Kerala's sky of communal harmony

Sane voices that have urged a walk back from recent instances of preaching hatred must be allowed to prevail



SUBIN DENNIS

The remarks made recently by Mar Joseph Kallarangatt, the Bishop of the Catholic diocese of Pala in Kerala on "narcotic jihad" have caused a major controversy. In a speech at a church in Kuravilangad in the State's Kottayam district, he had said that Christians ought to be vigilant against "narcotic jihad", allegedly an organised effort to destroy the lives of non-Muslims by getting them addicted to narcotic drugs.

Pala is one of the dioceses of the Syro-Malabar church in Kerala. Soon after the bishop's speech, some nuns from Kuravilangad accused another Christian priest of delivering a hate speech against Muslims, asking nuns not to buy vegetables from Muslims or travel in autorickshaws driven by them. The nuns reacted by walking out of the mass. In their comments to the media, four nuns expressed their disapproval of the communal remarks made by the priest and the bishop. "Christ did not teach us to sow communalism," one of the nuns said.

Uptick in polarising rhetoric

The claim about "narcotics jihad" comes on top of the long-standing allegation by the church authorities that there is a "love jihad" in Kerala, allegedly an organised effort to lure non-Muslim women into marrying Muslim men and converting to Islam. Investigations by agencies, including the National Investigation Agency, have found no evidence to support this claim.

These incidents are part of a definite uptick in anti-Muslim rhetoric

by some sections among Christians in Kerala in the recent months. Earlier this year, when Israel bombed Gaza following the forcible eviction of Palestinian families from their homes in occupied East Jerusalem, some Christian social media handles (in Malayalam) came up with vicious propaganda against Palestinians and Muslims. Videos with outright falsehoods about the history of Palestine and Israel were circulated. They completely ignored the fact that Palestinian Christians, being victims of Israeli brutalities as much as other Palestinians, are very much part of the resistance against Israeli occupation.

More recently, there was the demand that the name 'Eesho' (Jesus) given to an upcoming movie be changed, with the film-makers facing intense hate speech from fringe groups. Meanwhile, booklets with anti-Muslim rhetoric are being distributed by the Syro-Malabar church authorities in several parts of Kerala; most notable among these being a booklet by the Thamarassery diocese. There are media reports that following protests, the diocese has expressed regret.

All these militate against the long-standing tradition of Kerala as a place where people of different religions have lived peacefully and in cooperation with one another. Working people's movements, governments, and society in general have by and large focused on material concerns, which made significant improvements in human development and living standards possible, while the religious communities of the State co-existed in harmony. Christians – among whom levels of education and prosperity are the highest among Kerala's religious communities – have been an integral part of this process. But these recent developments, if left



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unchecked, do threaten to unravel the path to further progress.

The virulent messages propagated by some major religious figures in the Christian community, and amplified by social media, are cause for concern. What is it that has changed in the recent past that has provided the backdrop for these outbursts?

Strong causative factors

An important, but under-appreciated, factor relates to the economic conditions that provide a fertile breeding ground for communal hatred. Trade liberalisation has hit plantation agriculture (most importantly, rubber) hard. India joining the World Trade Organisation in 1995 and a Free Trade Agreement (which came into effect from 2010 onwards) with the Association of Southeast Asian Nations (ASEAN) were followed by bouts of decline for the real prices (prices adjusted for inflation) of rubber. Christians constitute a large section of peasants who cultivate plantation crops, and these price crashes have meant that many of them have found their economic conditions stagnating or deteriorating. Two consecutive years of intense floods in Kerala (in 2018 and 2019) and the novel coronavirus pandemic crisis that followed – damaging livelihoods across the globe – have not made things easier. In such circumstances, hate-mongering, which blames other communities for hardships, finds a lot of takers. Those who have something to gain by polarising peo-

ple on communal lines find it easier to train their guns on other communities rather than on deleterious economic policies.

The pandemic has had some peculiar effects on the church authorities. Protracted periods of lockdowns and restrictions on the number of people in church gatherings have meant that church attendance has fallen steeply. Apart from adversely affecting church revenues, these developments seem to have caused a feeling of insecurity among some sections of the clergy who feel that the faithful are slipping away from their influence. In this context, fiery rhetoric that polarises communities while seeking to consolidate their own followers would be a ploy to bring the flock back to their own orbit.

At the same time, more people have taken to attending church services using television and the Internet. This has exposed the laity more than ever to the algorithms of social media, where provocative content tends to get more traction. The number of views for a video is likely to go up if its content is more inflammatory and provokes more comments. This algorithm of hatred, in turn, has meant that many video creators, including some clergy, end up believing that such videos are the need of the hour.

The shadow of politics

The weakening of the Indian National Congress – which the Catholic church authorities in Kerala have traditionally favoured – seems to have accentuated the insecurities of the church leadership, and a section of the church authorities could be seen as aligning their positions more in line with that of the Hindutva forces.

Certainly, the actions and positions of some communal organisations have served to increase ten-

sions. Notable among these were the horrific attack in 2010 on a college lecturer, T.J. Joseph, by the Islamist fundamentalist Popular Front of India, and the endorsement by some Muslim communal organisations of Turkish President Recep Tayyip Erdoğan's conversion of the historic Hagia Sophia in Turkey into a mosque. But responding to communalism with communalism has a self-propelling dynamic – the shriller the communal rhetoric from one community, the more it strengthens communal forces in other communities.

Peace appeals

For the sake of Christians themselves and that of society in general, the Catholic clergy must return to a position of reason and restraint. Many Catholic and non-Catholic Christians – apart from others – have urged a walk back from preaching hatred.

A former spokesperson of the Kerala Catholic Bishops' Council is among those who have criticised the Pala bishop's statement. A bishop of the Orthodox church has cautioned against church leaders getting trapped in the Sangh Parivar's design to divide minority communities, while a bishop of the Jacobite church has said that the altar should not be used to propagate the politics of hatred. In a joint press conference recently, a bishop of the Church of South India and the President of the Kerala Muslim Youth Federation called for peace.

It is heartening that sane voices are fighting back. It is a battle they must win to save the soul of Kerala as a society where religious communities live in harmony and prosper together.

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'Bad bank' set up

The Government is mistaken if it thinks that setting up a National Asset Reconstruction Company Limited (NARCL), or 'bad bank', backed by its guarantee of ₹30,600 crore will end the NPA problems of the Indian banking industry (Page 1, "Govt. sets

up 'bad bank' to clear the NPA mess", September 17). The root causes have still to be addressed. Targeted and directed lending, abrupt policy changes, alleged collusion of top bank managements with business people and grey areas in lending to huge projects are some of

the issues of Indian banking. Even though the professionalisation of the boards of public sector banks had a good beginning, the problem is far from being tackled. The regulator ought to have opted for an asset quality review of banks so as to bring out the realistic

position of quality of the lending portfolio and also initiated holistic steps to improve the quality of lending and professionalisation of the operational and credit risk management aspects of banks.

V.P. BHASKARAN, Kozhikode, Kerala

■ A separate institutional arrangement for handling stressed assets can be harmful for the financial sector in the long run. Put bluntly, besides acting as a disincentive for professionalising appraisal and credit delivery and recovery departments of the banks, the

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institutionalisation of 'stressed assets' can further weaken the supervisory and regulatory efforts of the already stressed authority, namely the Reserve Bank of India.

M.G. WARRIER, Mumbai