



Asleep at the wheel

The Tiruppur accident shows that the Centre and States are yet to take road safety seriously

Even in a country inured to death and mayhem on its roads everyday, Thursday’s crash that killed 19 bus passengers on a national highway, at Tiruppur, Tamil Nadu, comes as a shock. Every day, thousands board government-run and private buses for inter-city travel, placing their lives in the hands of transport operators and the authorities whose duty it is to guarantee road safety. Unfortunately, Central and State officials feel little compulsion to do their duty when it comes to road safety. Those whose lives were snuffed out on the journey from Bengaluru to Ernakulam in a Kerala government bus should not become faceless additions to the list of fatalities on Indian roads. In 2018, that toll was a staggering 1,51,417 lives. A preliminary inquiry points to human error involving the container lorry driver who is suspected to have fallen asleep at the wheel. The probe is also looking at whether the container was overloaded, and lacked an assistant. It is reasonable to assume that a helper would alert a driver to danger. Whatever the proximate factors, the Tiruppur crash highlights the gap that India must bridge before it can hope to bring down road fatalities by at least half during the current decade. In fact, India is committed to achieving such a reduction under the UN Sustainable Development Goals, and the promise was reiterated by Union Transport Minister Nitin Gadkari recently, at the Third Global Ministerial Conference on Road Safety, at Stockholm.

In spite of amendments made to the Motor Vehicles Act, and new engineering standards enforced for vehicle safety, the risk on the roads is on the rise. State governments responsible for enforcement remain apathetic and their derelict bureaucracies ignore safety laws in cities and highways. The cost of such indifference is borne by families of victims in the form of bereavement, loss of income and enduring trauma. Moreover, the economy is deprived of productivity and output. The latest World Bank assessment of India’s loss from road accidents, which was released at the Stockholm meet, points out that road users between 18-45 years constitute 69% of fatalities. Also, 54% of deaths and serious injuries occur mainly among vulnerable groups: pedestrians, cyclists and two-wheeler riders. In the Bank’s estimate, it will take an additional \$109-billion of investment in 10 years to achieve a 50% reduction in road deaths. Mr. Gadkari has focused on removing dangerous ‘black spots’ on highways, making consultants and contractors liable for road conditions, and imposing stiffer penalties for traffic offences. The amended MV Act makes all this possible, but many State governments have balked at enforcing it. It is imperative that the Centre forms an empowered Road Safety Board at the national level to advise States on all related concerns as envisaged under the MV Act, and makes State enforcement agencies accountable for safety.

Terror in Germany

The rise of far-right groups poses a serious threat to peace and security in Europe

Wednesday’s bloody rampage in Hanau town near Frankfurt by a suspected far-right extremist has heightened concerns over recurrent hate crimes in Germany, home to the largest number of immigrants from the recent refugee crisis. The incident, coming just days after 12 men were arrested for plotting attacks on mosques, is a chilling reminder of the threats to peace and stability in a European powerhouse. In separate attacks, the perpetrator gunned down nine people, including a pregnant woman and youngsters, in two local shisha bars, before killing himself and his mother. Authorities have established the gunman’s extreme xenophobic beliefs using online evidence, where the 43-year-old attacker had advocated the elimination of people across continents. Crucial to investigators is the similarity of the lethal weapon wielded on Wednesday to that used in the 2016 Munich mall shootings. The comparison has brought into focus the role of Germany’s intelligence agencies. While the latter have often stressed the growing number of actual and potential incidents they deal with, rights groups have called into question their level of efficiency.

The latest violence must awaken those who take the complacent view that the threat from the far-right is concentrated in Germany’s eastern regions. The State of Hesse, where Wednesday’s attack took place, was witness last year to the brutal murder of a Christian Democratic Union (CDU) official by a neo-Nazi; Walter Lübcke was targeted for his courageous defence of Chancellor Angela Merkel’s liberal refugee policy. In 2017, the mayor of Altena, in North Rhine-Westphalia province, known for admitting a larger share of asylum-seekers, narrowly escaped a knife attack. These are evidently not isolated crimes, as the Alternative for Germany (AfD), the country’s largest opposition in the Bundestag, has stepped up its anti-Islam and anti-immigration campaign. But the recent political developments in Thuringia State have exposed divisions within the CDU on the approach to ward off the threat from the far-right. The local unit’s move to side with the AfD to keep the left-wing Die Linke party out of power forced the resignation of the party chief and the country’s Defence Minister Annegret Kramp-Karrenbauer. A party that is otherwise a staunch champion of liberal democratic values in the EU can ill-afford to dither on a question of key importance to unity within Germany and across the EU. Moreover, as a principal constituent of the European People’s Party in the EU Parliament, the German CDU must wean the group away from hardline forces, especially in Hungary and Poland. These are lessons to be learnt from the Hanau massacre.

Forging a new India-U.S. modus vivendi

New Delhi needs the superpower’s support to move towards a more organic rules-based order in the Indo-Pacific



AMITABH MATTOO

It is easy to be contrarian about U.S. President Donald Trump’s visit to India early next week, given his idiosyncrasies, his often-unpredictable, rambunctious ways and the roughshod manner in which he seeks to put America first. And yet, it is clearer than perhaps ever before in recent times, that New Delhi needs the continued support of the U.S. government on almost everything substantial that matters to India in its quest to be a power of substance in the international system.

The acceptance of this admittedly parsimonious explanation then accords a new gravitas to the Trump visit. While the elaborate festive arrangements for the American President’s 36 hours in India may seem over the top, they are part of an investment in an ‘unbridled’ (after the failed impeachment and the surge in his approval ratings) Mr. Trump that he could quickly return – even during the trip itself – given his reputation as a sharp deal-maker who often beats the odds.

Preparing for Trump 2.0

Moreover, on present evidence, not limited to the fratricidal war between Democratic presidential hopefuls, the world may have to deal with Mr. Trump for four more years after the end of his present term this year. From a fairer trade regime; to accessing cutting-edge technology; to the fight against terrorism; to stabilising our region, New Delhi stands to benefit from

constructive ties on all issues, given a more sensitive United States. India must therefore seek greater understanding and engagement should there be a Trump 2.0.

Asymmetrical partnerships, as we know from history, are rarely easy. Partnerships with superpowers are even more difficult; in international politics, as in life, even the best of unequal relationships results in a loss of some dignity and autonomy. It took all of Winston Churchill’s weight, foresight, wisdom, and the frightening imagery of communism invading Europe, to convince the U.S. of the need of a special relationship across the Atlantic, after the Second World War; and even then the British had to accept that London would be just another city in Europe, and Washington would consult London only when deemed necessary. But as Churchill realised on that fateful day in March 1946 in Fulton, Missouri, when he delivered his ‘Iron Curtain’ speech, the consequences of not arriving at a modus vivendi with the U.S. would be disastrous.

Today, the Indo-Pacific has arrived at an ‘Iron Curtain’ moment in its history. Without the United States, the region could become willy-nilly part of a new Chinese tributary system; with a fully engaged United States, the region has at least the chance of creating a more organic rules-based order.

In New Delhi’s case, the history of, what diplomat Dennis Kux described as, “estrangement” with the United States, during the Cold War, has had consequences for vital national interests that continue to cast their shadow on the present. Jammu and Kashmir (J&K), nuclear non-proliferation, the festering of the Pakistan “problem”, the Chinese humiliation of 1962, are just a few examples.



But much of course has changed today. Anti-Americanism, once the conventional wisdom of the Indian elite, seems outdated. New Delhi has, over the decades, gone on to align itself more closely with Washington. More important, outside the Left, both within India and in the U.S., the consensus across the mainstream of political opinion favours stronger relations between the two countries. This is notwithstanding the recent concerns expressed in Congress about the Citizenship (Amendment) Act and about the internment of political leaders in J&K.

Foreign policy’s pro-U.S. tilt

In 2008, Prime Minister Manmohan Singh, in a gesture that seemed uncharacteristic for him, effusively praised President George W. Bush and told him that the people of India “deeply love him”. According to the latest Pew Surveys of Global Opinion, support for Mr. Trump in India is high enough to suggest a great deal of public affection for the American President. That itself is a marker of the way India and Indians now see the world.

The reason for the change in New Delhi’s geostrategic outlook can be summarised quickly. If the 1971 Friendship Treaty with the Soviet Union was a response to the

Litmus test for a judicial clean-up order

The next Assembly polls will prove whether the Supreme Court stand on criminal candidates has the desired effect



NAVIN CHAWLA

Last week’s Supreme Court judgment, on February 13, 2020, by Justices R.F. Nariman and S. Ravindra Bhat, marks an important and possibly far-reaching step towards reining in the political establishment as far as fielding candidates with criminal antecedents is concerned. This judgment goes well beyond the Court’s earlier orders of 2002 and 2003 that made it obligatory for all candidates to provide self-sworn affidavits of criminal cases pending against them in any court of law.

By virtue of this order, the Court has also shifted part of the onus on political parties, ruling that they must do much more to publicise the criminal antecedents of candidates that they have selected to contest both parliamentary and State Assembly elections. It would no longer be sufficient to cite “winnability” as the criterion. Citing figures of the alarming increase in the number of such persons selected as candidates across the political spectrum, the order asks parties contesting elections to henceforth explain why persons without criminal blemish could not have been chosen instead. While the judgments of 2002 and

2003 were important, and emanated after a prolonged struggle by the Association for Democratic Reforms, they did not have the desired impact on either the political establishment or indeed on voter choices: the present Lok Sabha has an all-time high of 43% of its members having one or more criminal cases against them.

As Election Commissioner and subsequently Chief Election Commissioner, and in the years thereafter, I have frequently expressed myself against “muscle” and “money” power, which have become the bane of our political system. Indeed “money” power has moved us in the direction of a plutocracy.

Both these two ills need urgent course correction, preferably from within the Executive itself. It surely cannot augur well for us that criminality within Parliament grew from 24% in 2004 to 30% in 2009, to 34% in 2014 and 43% in 2019. Almost half these cases were/are for alleged heinous offences such as murder, attempt to murder, rape and kidnapping.

Extent of offence

In turn, political parties and candidates have often voiced their concern that cases tend to be foisted on them by political opponents. When the Election Commission of India (ECI) recommended to the government that legislation was warranted to exclude those candidates against whom charges had been framed by a court of law for heinous offences punishable by



imprisonment of five years and more, the Parliamentary Committee that had been set up to examine the proposal unanimously ruled against the ECI recommendation; perhaps the most vociferous voice was that of the late legal luminary, Ram Jethmalani, who was a member of the committee. He pointed out that he had dealt with many such cases arising out of political vendetta. Even when we met after I had retired from the ECI, I was unable to convince him of my point of view.

Of course, not all first information reports lodged against political players are criminal in intent. The violation of Section 144 of the Code of Criminal Procedure as a result of civil protest is one such example. The case of a Medha Patkar or other social activists can hardly be considered criminal. Which is why the ECI, for over two long decades, has addressed various Prime Ministers to pass legislation on the ground that charges framed by a court of law for only heinous offences, and cases registered (not on the anvil of elections, but up to one year prior) would amount to a “reasonable restriction” and that such a person be barred from contest. But so far to

continuing U.S. tilt towards Pakistan and the beginnings of a Washington-Beijing entente, at present, it is the prospect of a potentially hegemonic China in the Indo-Pacific region is helping to cement the relationship. Beijing has managed to alienate nearly all its neighbours and allies, except North Korea and Pakistan.

It is often tempting also to dismiss the gains made bilaterally during the last three years of the Trump Administration. A recent book, *A Very Stable Genius*, by Philip Rucker and Carol D. Leonnig, suggests that Mr. Trump almost wrecked the partnership with New Delhi because of his ignorance, insolence and by going against the advice of his own (former) Secretary of State, Rex Tillerson. There is, however, little other evidence to support this claim.

Indeed, two of the best informed American analysts suggest otherwise. In *Foreign Affairs*, strategic affairs analyst Ashley Tellis writes about the “the surprising success” of the partnership and argues that Mr. Trump and Mr. Modi have “deepened” the defence cooperation. And Jeff Smith of the Heritage Foundation lists the accomplishments India-U.S. ties have made over the years, including “a foundational military agreement that allows for the sharing of encrypted communications and equipment; a change in U.S. export control laws that places India in a privileged category of NATO and non-NATO U.S. allies; a new ‘2+2’ foreign and defense ministers dialogue; an exponential increase in U.S. oil exports to India; the inauguration of the first India-U.S. tri-service military exercise and an expansion of existing military exercises; the signing of an Industrial Security Annex that will allow for greater collaboration among the

no avail.

Voter behaviour

Although the recent judgment has decreed that political parties will give much wider publicity to the criminal antecedents of their candidates, it is possible that this alone may not suffice. Voter behaviour is most often conditioned by their own immediate needs. The distribution of “freebies”, for instance, was often a one-way street, of candidates “offering” money and goodies. Voter behaviour has since begun to change. Voters now often enough tend to demand money and freebies. With our criminal justice system clogged with cases and lawyers fees often far beyond what many can afford, the local “don” standing for elections, who promises delivery of rough and ready justice, is often seen as the messiah on hand. All too often these cases involve bread and butter issues, from land and irrigation dispute resolution, to matters involving family honour. In such cases this “Robin Hood” contestant is actually a preferred choice, which helps to explain that where muscle and money get combined in the rural landscape, they often win by large margins. This was not always the case. In the 1970s and 1980s, the “don” was content to support the local political bigwig with his muscle, crowd-pulling capacity and money, hoping that once elections were over, the elected leader would help the “don” in turn, not least to help wipe out his string of cases. By the 1990s the muscle

two countries’ private defense industries; the inclusion of India and South Asia in a U.S. Maritime Security Initiative...”

But, as Mr. Tellis points out, much work needs to be done for the two countries to fulfil the potential of the relationship, especially in the area of defence. This, together with other key issues including trade, is on the centre-piece of the Trump-Modi agenda for the visit.

Bipartisan consensus

There is, of course, a chance that we may have a Democratic President next year. In those circumstances, we can only hope that the bipartisan consensus on engaging India – which has continued from Bill Clinton’s second term will prevail. To be sure, however, a new President will seek to put his/her own imprimatur on the relationship. The Democrats will clearly be more proactive on human rights and on issues of inclusion and diversity, which would make a greater demand on South Block and test its capacity and creativity.

New Delhi must, of course, continue engaging with its strongest source of support in the United States: the Indian diaspora. Fortunately, there is a near consensus on the need to strengthen this constituency.

In any case, there is little doubt that whoever is the next occupant of the White House, a retreat from multilateralism (especially on trade-related issues) and concern about China will continue to be the two main pillars of contemporary American foreign policy. If for only those reasons, Mr Trump’s reason has undeniable significance.

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man decided that this was not good enough. He decided to instead help himself to the fruits of political power by entering the electoral fray. Not all such players were men: witness the life and death of Phoolan Devi who came into political power on the power of a gun, and faded out too in the same manner.

Wait and watch

So far whatever significant electoral reforms have taken place have emanated from the Supreme Court. For critics of this present order, I would remind them of None of the Above (NOTA) and the July 10, 2013 Order in the Lily Thomas vs Union of India case, wherein a parliamentarian or legislator convicted of an offence that leads to a sentence of two years and more will be debarred from contesting an election for six years after his or her prison term ends.

It is therefore prudent to await the next important Assembly elections on the anvil – in Bihar and West Bengal. No doubt the political parties will once again bat for the “winnability” factor in their selections. It remains to be seen how the recent judgment will affect the choices of the political establishment and whether it will have the desired effect in eliminating or significantly purging criminality from future legislatures.

Navin Chawla was India’s 16th Chief Election Commissioner. He is the author of ‘Every Vote Counts: the Story of India’s Election’

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.

Road accidents

Major road accidents take place during nights (“19 killed as container falls on Kerala-bound bus in Tiruppur,” and “Seven pilgrims from Nepal die in Salem accident,” Feb. 21). It has been suggested by the public time and again that lorries must not operate during certain hours after midnight since drivers, having spent long hours at the wheels, tend to doze off. Wider roads only encourage vehicle users to drive at higher speeds. Dazzling headlights, increased power in engines, etc. are a menace. Speed governors must be fixed for all vehicles and speed guns must be installed to discourage speeding. Road safety measures should be strictly implemented.

V. LAKSHMANAN,
Tiruppur, Tamil Nadu

Keeping poverty away

The Indian government is doing a significant amount of window dressing to make sure that U.S. President Donald Trump’s gaze does not fall on anything deemed unsightly. The Ahmedabad Municipal Corporation is building a huge wall to keep a slum out of sight of the U.S. President. The Uttar Pradesh government has released water into the heavily polluted Yamuna river to get rid of foul smell. These involve spending crores of rupees and upending the lives and livelihoods of people who struggle to make ends meet. Instead of trying to whitewash India’s poverty, the government must show its will and commitment to bring real change.

VENU G.S.,
Kollam, Kerala

No deal on the cards

This refers to the editorial, “Trump cards” (Feb. 21). While Prime Minister Narendra Modi wants to make Mr. Trump’s forthcoming visit to India a memorable one, the U.S. has signalled its desire to drive a hard bargain on trade, making a deal unlikely during the trip. The U.S. decision, just days before the visit, to strip India of its status as a “developing” country is unfair to India on trade. There is also no possibility of the U.S. restoring the Generalized System of Preferences (GSP) beneficiary status. India should not enter into a trade deal with the U.S. just for political optics. Aside from giving the two adulation-hungry politicians garner more attention, the policy goals

of Mr. Trump’s trip are unclear at present.
S.S. PAUL,
Chakdaha, Nadia, West Bengal

Future epidemics

With increasing environmental disruptions, the possibility of another health epidemic cannot be ruled out. And India, owing to its high population density, coupled with starkly non-uniform healthcare infrastructure distribution among States, definitely needs to be prepared (“Gearing up to face the next big viral outbreak,” Feb. 21). Any future epidemic will have three consequences – one, loss of human capital; two, negative impact on economy; and three, embarrassment before the international community. Kerala managed the 2018 Nipah outbreak efficiently;

but other densely populated States like Uttar Pradesh and Bihar may struggle if confronted with such a situation. A nationwide plan is needed.

PRIKTA SRIVASTAVA,
Allahabad, Uttar Pradesh

ART legislation

While the legislative moves concerning Assisted Reproductive Techniques (ART) and abortion are noteworthy, there is also a need to review the archaic laws covering guardianship and adoption rights. Easing of adoption procedures; encouraging couples to adopt older children, not simply infants; and expanding ambit of reproductive laws to cover unorthodox relationships are a few steps that will lay down a non-exclusionary and progressive legal framework recognising the

legitimacy of new, emerging forms of family.

TANVI SONI,
Jalandhar, Punjab

Making welfare count

Welfare measures and freebies are two sides of the same coin. The former is economically progressive while the latter gets political importance. Results of welfare measures take years to emerge while freebies can bring a leader quick returns. The Aam Aadmi Party won on welfare measures because Delhi is a small State and results were visible within one term. In big States, results will need more time (“What distinguishes welfare measures from freebies,” Feb. 21).

SUNDAR RAGHAVAN,
Chennai