



Rights or wrong?

UN body's CAA move may be unwarranted, but govt. must abide by its equal protection duty

The application on behalf of the Office of the High Commissioner for Human Rights, seeking to be heard as *amicus curiae* in the pending litigation in the Supreme Court against the Citizenship (Amendment) Act, 2019, is undoubtedly an unusual step. As expected, the government sees it as unwarranted interference. It does appear that the move is unnecessary as the global human rights perspective that High Commissioner Michelle Bachelet Jeria hopes to present is most likely to be raised by some of the petitioners themselves. After all, most of the 140-odd petitions argue that the CAA fails to extend the equal protection of law to all immigrants in the country. But, to be fair, the High Commissioner is not seeking to be a petitioner. On the contrary, she is offering the undoubted expertise that the premier UN body possesses in aid of the Court. She has appreciated the amendment's positive side, noting its potential to redress the "irregular" condition of some migrants through a quicker citizenship process. It must be noted that the Court has relied on principles contained in international legal instruments in some of its judgments. The moot question is whether the UN High Commissioner ought to be given an opportunity to assist the Court in the matter, or whether, even without such assistance, the Court will countenance arguments based on the salutary provisions of international conventions that India is a party to. Needless to say, the *amicus* brief may not be necessary in the latter situation.

The Modi government may be unhappy with the UN rights body's "overreach", but it will have to be underscored that the CAA's flawed structure and the aggressive manner in which it was initially linked with a post-implementation exercise to purge the country of illegal immigrants have contributed to the present situation. The political Opposition, sections of the legal fraternity, academicians and commentators have made a strong case that making religion a factor to include certain categories for a fast-tracked naturalisation process is violative of secular principles. The government's stout defence of the CAA is that no current Indian citizen would be affected, and that it was meant to help persecuted minorities in countries where Islam was the state religion. In addition to having to discharge the burden of proving that the CAA does not contravene the Constitution, the government would have to demonstrate that it is not in violation of provisions of the International Covenant on Civil and Political Rights. Ms. Bachelet's application marshals significant aspects of global humanitarian law to buttress her point. The Court may probably not take her assistance, but there is little doubt that the Centre cannot evade its obligation to enact non-discriminatory legislation, grant all migrants equal protection and abide by the non-derogable principle of non-refoulement.

Advantage Bibi

Another term for Netanyahu bodes ill for West Asia and Palestinians

No bloc managed to win a clear majority in Monday's Israeli parliamentary election, the third in 12 months, but Prime Minister Netanyahu has emerged the clear leader to bid for government formation. When 99% of the votes were counted, his Likud party won 36 seats, while its rival, former General Benny Gantz's Blue and White got 33. The Prime Minister's right-religious coalition, which includes Shas, United Torah Judaism and Yamina, has 58 seats, three short of a majority in the 120-member Knesset. Yisrael Beiteinu, led by secular nationalist Avigdor Lieberman – kingmaker after the last two polls but who chose not to support any side – got 7 seats. For Mr. Netanyahu, this was a referendum of sorts. If he fought the last two polls under the threat of being charged for corruption, this time he had already been charged. He is expected to appear in court later this month. Still, Likud improved its tally from 32 in September to 36 now. While Mr. Netanyahu, as leader of the largest party and the coalition, is expected to be invited to form the government, it will not be easy for him to prove a majority in Parliament. Mr. Gantz has ruled out a unity government under Mr. Netanyahu's leadership. Mr. Lieberman too has dismissed joining the Likud coalition, not wanting to share power with the bloc's Jewish religious parties. The Joint List, the coalition of Arab parties, has won 15 seats, but Israel's mainstream Zionist parties will not have any tie-up with them.

Despite these challenges, there are two factors favouring Mr. Netanyahu. One, unlike the September election in which Mr. Gantz's party got more seats, this time only Mr. Netanyahu is in the race to form the government. It is either a Likud government or a fourth poll. Second, after three back-to-back elections, some rival lawmakers could actually back Mr. Netanyahu's claim to avoid another round of polling. Likud leaders have already signalled that their coalition would prove a majority in the Knesset with dissenters' votes. While Mr. Netanyahu remains the only option for providing Israel a stable government, his return to power with a majority could spell more trouble for the Palestinians. The peace process has been stalled for years. The Palestinians have rejected the U.S.'s peace plan, which they say favours the Israeli positions. During the campaign, Mr. Netanyahu had pledged to annex Jewish settlements on the Palestinian West Bank. If his coalition returns to power with a clear majority, he is likely to press ahead with the annexation, deepening the crisis. If he fails to win the vote of confidence, Israel will go to another election and during the campaign, Mr. Netanyahu and his allies will step up their right-wing agenda and attacks on the Palestinians, like they did during the last two campaigns. Either way, troubled times lie ahead for the region.

The sum and substance of the Afghan deal

The United States is on its way out and this does not ensure peace for the people of Afghanistan



RAKESH SOOD

The long-awaited deal between the United States and the Taliban was finally signed in Doha last Saturday by U.S. Special Envoy Ambassador Zalmay Khalilzad and former Taliban deputy leader Mullah Abdul Ghani Baradar. On the same day, U.S. Defence Secretary Mark Esper visited Kabul to conclude the Joint Declaration for Bringing Peace to Afghanistan between the two governments. Gaps and inconsistencies between the two only add to the confusion. But two facts are clear. The U.S. is on its way out and second, this does not ensure peace for the Afghan people. As former U.S. Defence Secretary General Mattis put it, "The U.S. doesn't lose wars, it loses interest." But since a major power cannot be seen to be losing a war, certainly not in an election year, a re-labelling of the withdrawal becomes necessary.

Shades of Vietnam

Nearly a half century ago, U.S. President Richard Nixon had faced a similar dilemma. With more than half-a-million U.S. soldiers deployed in Vietnam, it was clear that a military solution was out of question. Seeking an exit, his National Security Adviser Henry Kissinger, during his secret visit to Beijing in July 1971, assured Premier Zhou Enlai that the U.S. was prepared to withdraw completely from Vietnam in return for release of U.S. prisoners of war and a ceasefire lasting "a decent interval". Kissinger and Nixon knew that the deal would leave their ally, the

South Vietnamese government led by President Thieu, vulnerable. In declassified 1972 White House tapes, Nixon and Kissinger acknowledge that "South Vietnam is not going to survive and the idea is to find a formula that can hold things together for a year or two". The ploy worked.

Nixon was re-elected with a record margin in November 1972 on the platform that peace was at hand. In January 1973, the Paris Peace Accords were signed, and by end March, the U.S. had completed its withdrawal ending direct military involvement. U.S. prisoners of war were released but by end-1973, the ceasefire was in tatters. Saigon fell to the North Vietnamese forces on April 30, 1975. Approximately 20,000 U.S. soldiers died during 1972-73 (Nixon cemented the understanding during his visit to China in February 1972) and 80,000 South Vietnamese soldiers died after the collapse of the ceasefire, following the decent interval. To win his re-election, Nixon had promised an honourable peace and delivered a delayed defeat, but by then the world had moved on. Dr. Kissinger won the Nobel Peace Prize in 1973 (joint winner). The secret assurances of 1971-72 only surfaced after four decades.

Mr. Khalilzad is no stranger to Washington politics having served in Republican administrations since the Reagan era. He understood his job perfectly when Secretary Pompeo appointed him the Special Envoy for Afghan Reconciliation in September 2018. An Afghan by birth (he came to the U.S. in his teens) and having served as U.S. Ambassador in Afghanistan, he knew full well that he was not negotiating an Afghan peace deal; he was negotiating a "managed" U.S. exit. The time line too was clear. U.S. President Donald Trump had repeatedly de-



Mr. Khalilzad declared that "great nations do not fight endless wars"; his re-election is due in the fall of 2020.

The road to Doha

Mr. Trump's 2017 policy aimed at breaking the military stalemate in Afghanistan by authorising an additional number of up to 5,000 soldiers, giving U.S. forces a freer hand to go after the Taliban, putting Pakistan on notice and strengthening Afghan capabilities. Within a year, it was clear that the policy was not working because no insurgency can be defeated as long as it enjoys safe havens and secure sanctuaries. Pakistan's help was necessary to get the Taliban to the negotiating table.

A three-way negotiation ensued. First was the Doha track with the Taliban; a second was with Islamabad/Rawalpindi and the third was with Kabul to ensure that the Afghan government would accept the outcome. The dice was loaded because Taliban and Pakistan negotiated as a team. Within six months, they had whittled down Mr. Khalilzad's four objectives: a ceasefire, an intra-Afghan peace dialogue, cutting ties with terrorist organisations such as al-Qaeda, and finally, U.S. troop withdrawal – to just the last one, with some palliatives regarding the third.

The deal was ready to be signed last September when Mr. Trump abruptly called it off, stalling the process. National Security Adviser John Bolton's dismissal (he was op-

posed) and the release of three high-level Taliban militants including Anas Haqqani (Sirajuddin Haqqani's brother) in November helped smoothen issues.

The key features of the Doha deal are: i) U.S. troops to be reduced from the current 14,000 to 8,600 by June 15 (in 135 days); ii) withdrawal of all remaining U.S. and foreign forces by April 29, 2021 (in 14 months); iii) Removal of the Taliban from UN Security Council sanctions list by May 29; iv) Up to 5,000 Taliban prisoners and 1,000 Afghan security forces prisoners to be released from Afghan and Taliban custody respectively by March 10; v) U.S. sanctions against Taliban leaders to be lifted by August 27; vi) intra-Afghan talks to begin on March 10.

Whither Afghanistan?

Nothing reflects the fragility of the deal signed between the U.S. and the Taliban in Doha better than the title: "Agreement for Bringing Peace to Afghanistan between the Islamic Emirate of Afghanistan which is not recognised by the United States as a state and is known as the Taliban and the United States of America". This is repeated more than a dozen times in the agreement. Ironically, the U.S. has committed to getting UN Security Council endorsement for the deal with an entity that it does not recognise.

The leader of the Haqqani network and the number two of the Taliban, Sirajuddin Haqqani, who recently wrote an op-ed in *The New York Times*, remains on the U.S.'s wanted list with a reward of \$10-million for information leading to his capture or death. This hardly squares with the notion that the Taliban is now a U.S. counter-terrorism partner against the Islamic State.

The Kabul Declaration states that Afghan government will "part-

icipate in US facilitated discussion with Taliban on CBMs, to include determining the feasibility of releasing significant number of prisoners on both sides". There is no reference to numbers to be released or a deadline of March 10 linking it to commencing intra-Afghan talks, as in the Doha deal. No wonder President Ghani angrily declared a day later that release of prisoners will be part of the agenda for the intra-Afghan talks, provoking the Taliban to declare that the truce would no longer cover Afghan security forces, creating the first of many obstacles ahead.

There is no mention of what will happen to the Taliban fighters whose numbers have suddenly inflated from earlier range of 30,000 to 50,000 to 60,000 to 1,50,000. Are they to be disarmed and demobilised; prepared for civilian life or integrated with the Afghan security forces? Who is expected to provide stipends to those opting for peace? Mr. Trump maintains that it is "time that the war on terror is fought by someone else" so it will not be the U.S.. The U.S. has described itself as a "facilitator", a responsibility that it will be glad to share with others.

The idea of a ceasefire, which is normally the starting point for any peace process, has been made an outcome of the intra-Afghan dialogue, together with a political road map for the future, but without any time frame. There is no reference to preserving the gains of the last 18 years and with the Taliban intent on reviving the Islamic Emirate, the shape of things is clear.

Remember the duck test – if it looks like a duck, walks like a duck and quacks like a duck, it probably is a duck.

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Dark tales in Andhra Pradesh's IIT success story

A study on secondary education in the State shows coaching starts too early amid immense pressure on students



RASHMI SHARMA

As the examination season rolls in, nearly 1.5 crore students in India prepare to sit for the board examinations. They are more fortunate than nearly half their cohorts, who will never get to that stage. Among the happiest students will be those who will get admission to the Indian Institutes of Technology (IITs), and among the States, the largest number will be from Andhra Pradesh (AP). Subsequently, many will earn the kind of money that they, and their families, may not even be aware of.

But underlying these grand successes is an ugly story, which emerged during a study on secondary education I conducted in AP in 2018-19. The State owes its distinction in producing the largest number of IIT entrants to two major chains of 'corporate schools', which focus on preparing students for the IIT, and failing that, other engineering colleges. These schools had initially been established for Classes XI and XII, but now cover the whole school cycle. Many are residential schools.

Ignoring the children's learning

stages, the schools have distorted the curriculum. A principal of a corporate school revealed that coaching for the IIT examination began as early as Class VI. The school focused on physics, math and chemistry, while the mother tongue and social sciences were sidelined. Further, as the school had to 'complete' the syllabus prescribed by the State government along with IIT coaching, the syllabi for Classes XI and XII was taught from Class VI onwards too, with 10% of the syllabus being 'covered' each year. During interviews, government officials and teachers said that students in such schools did little or no physical or extracurricular activities, and got little rest.

The pressure on students was enormous. As per the principal, students were divided into three 'levels' according to ability, and taught separately. There were fortnightly exams and cumulative exams every month, and students were re-allotted to different levels after the latter. The atmosphere was very competitive. The school hours stretched up to nine hours or more, and there were few holidays. There were several cases of student suicides each year, usually following a demotion in the 'level'. As per the principal, around 20% students were placed at the top level, and of them 15-20% were likely to get admission to the IITs. In other words, after a high level of



STRESS AND SACRIFICING A WELL-ROUNDED EDUCATION, 3-4% OF THE TOTAL STUDENTS GOT INTO IITs. HOW MANY WOULD HAVE GOT ADMISSION TO THE IITs WITH A PROPER EDUCATION TOO, IS A MATTER OF CONJECTURE.

stress and sacrificing a well-rounded education, 3-4% of the total students got into IITs. How many would have got admission to the IITs with a proper education too, is a matter of conjecture.

A childhood lost

All the students in such schools lose the chance to be children, explore and grow, develop their special talents, and form their unique identity. But for those who did not get admission to engineering colleges, the loss was manifold. They got little support in the school, as the best teachers were deployed to teach the top-level students. Reportedly, the students in the bottom layer were pejoratively called 'patrons' by the management, as their parents paid high fees, while their chances of getting into an engineering college were negligible.

Behind this story of lost childhoods, and for many students, lost career opportunities too, lay corporate greed and state failure. Corporate greed was visible in aggressive campaigns to enrol students. Teachers at a government school

said private school representatives came to the school in January, made lists of good students, contacted parents, and encouraged students to join. An individual who once worked in a corporate school reported that teachers were given targets to enrol students and collect fees, and their salary was withheld if they did not meet them. Norms regarding minimum infrastructure, such as space, sanitation, play-grounds, fire safety etc. were flouted. The maximum fees a school was allowed to charge was ₹4,000 per year, but corporate schools charged extra as coaching fees and for facilities, adjusting the fees to the paying capacity of the area.

In cahoots with government

Government officials, teacher educators, and even panchayat representatives interviewed were aware that the educational practices of corporate schools were questionable, and that they fooled and exploited students and parents. However, regulating such schools was beyond the capacity of the government system. One, at inter-college, or the Classes XI and XII stage, where corporate schools first began, the number of government educational institutions was inadequate. Two, the manpower available for regulation was deficient. At the district level, the senior-most principal of government inter colleges was designated the

Regional Inspection Officer (RIO), and was responsible for regulating private schools, in addition to his existing duties. Moreover, because of a lack of manpower, some RIOs had charge of more than one inter-college. For Classes IX and X, education officials remained busy with government schools, and had little time to inspect private schools.

Three, the corporate school management exercised considerable influence at the very top levels of government. They were reported to contribute funds during elections, and some had begun political careers themselves. Officials described several instances of political pressure to prevent action against corporate schools. So much so that representatives of small private schools complained that the government favoured corporate schools and discriminated against them. Not surprisingly, little effort had been made to inform people about the problems with corporate schools.

This nasty tale of state collusion with uncaring profit-makers remains hidden as the faces of successful entrants of IITs stare at us from newspaper advertisements every year.

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LETTERS TO THE EDITOR

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UN body on CAA

The step by the Geneva-based Office of the High Commissioner for Human Rights (OHCHR), of planning to move the Supreme Court on the Citizenship (Amendment) Act is a blatant case of 'overreach' (Page 1, March 4). As the External Affairs Ministry has said, the CAA is an internal matter. If the OHCHR is genuinely concerned about rights, it can cast its net outside – its very first priority should be to stop the inhuman treatment being meted out to the Palestinians by Israel for years. The UN would do well to remember that Palestinians are stateless people and their hardships and travails are quite unlikely to end in the foreseeable future. C.G. KURIKOSE, Kothamangalam, Kerala

■ With due respect to the OHCHR official and her quest to protect all human rights for all people, I would like to ask her a few questions: Where was the OHCHR and its concern for human rights when countries were being ravaged and generations of people continue to suffer in Syria, Yemen, Iraq, Libya or even in nearby Afghanistan? Has the OHCHR ensured accountability when a few powerful nations were unilaterally bombing these countries including civilian institutions? Where was the OHCHR when much of Europe refused to accept dinghies of immigrants fleeing persecution and war and left them adrift in the high seas? Why has the OHCHR never spoken out against countries in West Asia that deny citizenship but also residency rights to outsiders? Even without

these analogies, India is a sovereign nation and is well within its rights to legislate on internal matters. T. NAGARAJAN, Thiruvananthapuram

■ While there may be much argument about how right the move is from a legal angle, the point is that it has dented the image and prestige of India on the international stage. Already nations such as Malaysia, Turkey, Iran, the United States (some leaders) and the European Parliament have expressed their concerns over the CAA. It is a divisive policy that has left us in an embarrassing spot. D. SETHURAMAN, Chennai

Reservation issue

There is no denying the fact that reservation has helped

in the uplift of the Backward Classes and Scheduled Castes and Scheduled Tribes (Editorial page, "A blow against social justice", March 4). There is the other side to this too. There is a conspicuously inadequate representation of SCs and STs in the higher echelons of government services and judiciary as well. We all agree that the caste system is a sort of social evil that creates social hierarchy and divisions in society. We make efforts to fight the discrimination created by the caste system – reservation is a tool for the same – but do nothing to get rid of the caste system itself. It has been 70 years since the adoption of the policy of reservation and I feel it is time to get rid of the caste system. It would be a very difficult task especially having been a social system

in place for long. Having served as the basis for several social, economic and political activities, it would be difficult for it to be dropped overnight using legislation. Nonetheless, it is time that we at least start asking ourselves: Can we do it? If yes, then how? ANAMIKA BHARTIYA, Patna

To play or not

The reported statements of both the Indian Premier League Governing Council chairman Brijesh Patel and BCCI president Sourav Ganguly ruling out any threat to the upcoming Indian Premier League due to the coronavirus outbreak as of now, seems premature ("Sport" page, March 4). This life-threatening virus is already made its presence felt in India and medical

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experts have cautioned people about avoiding going to public places and gatherings. In the present situation, the focus needs to be on ensuring full protection and safety as far as public health is concerned. Any final decision regarding holding the Indian Premier League or any other big sporting event as scheduled should rest solely with the Union Health Ministry and the State governments concerned. Large and regular gatherings of spectators in cricket stadiums in different cities with even spectators coming in from different cities over a two month period pose a huge potential risk of the virus spreading. A. MOHAN, Chennai