

OPERATION SINDOOR  
REVISITED

Pakistan’s generals and leaders live in a bubble believing that the world can’t see their misdeeds. The country’s Army chief calling a docuseries on Operation Sindoor by Discovery plus, by far the most neutral and credible media house in the world, a “Bollywood’s imagination” is weird so say the least. Asim Munir wrote all this in a long social media posts and then closed the comment section opbviously fearing a backlash by his own compatriots. Operation Sindoor as declassified in the two part Docuseries, was not only immaculately executed, the Indian military took care to documented all the evidence through satellite imagery knowing well that Pakistan would indulge in propaganda of industrial proportions to hide its defeat and its support to terrorists. The operation was done with so much clarity and planning that it left no room for Pakistan to manipulate the narrative. First of all the political direction to the Military leaders was clear; the military had freedom to plan and execute the operation. The military communication about the strike and symbolism was great and effective.

Pakistan has to face the consequence of its deeds; As once the American leader Hillary Clinton said Islamabad can’t rear snakes in its backyard and then expect them not be bite them as well. Islamabad took a big liberty of sending and sponsoring entire ecosystem of terrorism in India and especially Kashmir. Learning our lessons from the initial failures at containing terrorism, the India State addressed the root causes of youth being misled and dealt with it. The result is for all to see. On the other hand it exposed Pakistan’s game of using terror as a arm of external policy; continued to disconnect with Islambad under Prime Minister’s famous saying that terror and trade can’t go together and water (of rivers) and blood (of Indians) can’t flow together.

An Alternative to the Collegium

SRIRAM PANCHU

NEARLY eighty years ago, the people of India did something remarkable. They finally came together to throw off oppressive rule, and they did so by peaceful methods. That worked because the idea of Independence galvanised a nation. Today, perhaps it is time to look at our situation again, carefully, and with an eye to see which institutions have failed us, and which even retain a semblance of what they are supposed to do.

The Election Commission of India, of course, will fall into a particular category all of its own, of jockeying to lackey. Most of the established and conventional media houses may rank just a bit better. But the institution we must pay closest attention to is the judiciary. This is not just because it is the ultimate resolver of disputes between people, corporates and other entities. It is because the judiciary is vested with the power to interpret the Constitution. The judiciary is the arbiter, enforcer and protector of the Constitution.

Why does the Constitution matter? It matters because this is what brings us all together as citizens of India. It matters because it embodies the best ideas of India — those ideas which the best of us want to see as embodying India. A free society where the individual matters, and the State exists to serve the individual. A society where the people have the ultimate say. A society which is liberal, inclusive and seeks the best development and fulfilment for all. A society which is sensitive to minorities and to those with handicaps and disabilities. We are a privileged country. We are the world's largest and best mosaic of cultures and faiths — the most amazing house of diversity. This is an India which is worth fighting for.

It is the Constitution which overarches above us, protects India and gives it its shape and structure, fabric and form. So it is our Constitution around which we must rally. It will provide us succour and safety. There is no better and no more powerful icon than this for modern India at the stage we are in. But only if we protect it.

It is therefore a matter of particular dis-



may when we see judicial institutions crumbling — not under the weight of external pressure, but because of the weakness of those who inhabit them, who cannot shore up the foundations, present a workable interior and a fair outlook, who cannot make a sparkling judicial mansion of law, justice, equity and service to the people.

In the early years of the 19th century, John Marshall, Chief Justice of the United States of America, fashioned the doctrine of judicial review, by which the Court assumed the power to strike down Acts of Parliament which were contrary to the Constitution. This also extended to striking down executive action which went against the chief canons of constitutional values. We embodied judicial review in our Constitution, and in the years before 2000, our Supreme Court extended the doctrine of judicial review in scope and in application to craft a universally admired public interest writ jurisdiction.

The job of protecting the Constitution is the chief business of judges. But in the last twenty years, I cannot remember a significant case of judicial review and assertion, upholding constitutional values, to strike down Acts of the legislature or key inroading of executive action. There has been no

shortage of such Acts, but there has been a significant absence of adequate judicial response. The only Act in living memory to be struck down pertained to the National Judicial Appointments Commission. Not quite by coincidence, it interfered with the judges' self-granted prerogative of appointing judges to the higher judiciary. Other than that, we find no adequate judicial demonstration of constitutional values.

On the other hand, judicial review in India now seems to have moved to judicial assist. This was manifestly so in the recent SIR (Special Intensive Revision) case, where judicial officers of an entire state were drafted to man the Election Commission machinery and mechanisms, and thereby to try and resuscitate an exercise doomed from the start, which should have received the judicial axe.

Recent aberrational statements made by the Chief Justice of India in regard to youth protests, the Bar Council Chairman's ill-advised venture against NALSAR students and the lackadaisical attitude of the First Bench of the Delhi High Court while hearing cases about atrocities on Jantar Mantar protesters convince us that the quality of those at the highest levels of the judiciary has dropped very, very significantly.

The blame for this must squarely rest on the Collegium which chooses judges. When the judiciary invented this extra-constitutional and “extraterrestrial” system in 1993, it would have been aware that its legitimacy rested not on constitutional foundation, but solely on consistent best performance. The latter was on display for some time. But for many years now, it has dipped into becoming a body marked by favouritism and nepotism; opaque, non-transparent, unmindful of reason and criticism; and, of late, has developed a rather cosy relationship with the executive. Indeed, it seems that we are losing sight of the doctrine of separation of powers and the judicial philosophy of being a check on the government to keep the constitutional balance.

The time has come to invent a radically new method of appointment of judges to the High Courts and the Supreme Court. That initiative is now underway, guided by a group of respected retired judges, leading lawyers and eminent citizens steering a group of talented young lawyers and academics to fashion a document titled “The Alternative” — a replacement for the Collegium system.

This will then be sent across to Bar Associations, judges, law universities and others to compare the existing Collegium system with the alternative based on definite criteria, including transparency, accountability, wide selection choice and efficiency. That result will then be placed before Parliament, which will be asked to pass a law based on a national consensus.

And this time, let us be sure that this will not just be a national consensus among enlightened professionals but will have the power of the youth.

A resurgent youth, who have just shaken the highest in the land with their conviction, resilience and strength. They just need the right guidance and support to be fully galvanised. And young lawyers have a lot at stake. For them, it is a choice between an honourable profession and a mercantile activity sans honour.

This is the time to stand up. Because we have our backs to the wall. The advantage of a last-ditch stand is that our energies are redoubled.

READING PAKISTAN BEYOND THE MECCA PACT

LT GEN SYED ATA HASNAIN  
RETD

*THE Türkiye-Saudi Arabia-Pakistan Mecca Joint Defence Agreement has so far been examined largely through the ambitions of Saudi Arabia and Türkiye. Pakistan has appeared almost as a junior partner — bringing military experience, manpower and nuclear weight to an arrangement driven by the insecurities of the other two. From an Indian perspective, that may be the wrong way to read it.*

Pakistan has long sought greater strategic relevance in the Islamic world, drawing upon its geography, large military, nuclear capability and longstanding relationships with Saudi Arabia and Türkiye. It has also sought to mobilise the collective weight of the Islamic world in support of its Kashmir position. These are familiar elements of Pakistan's strategic playbook. The question is whether the new strategic environment has changed the way Islamabad may seek to employ them.

Operation Sindoor altered an important assumption in the India-Pakistan relationship. The belief that terrorism could remain below India's threshold for conventional retaliation became less secure. India demonstrated a willingness to impose military costs beyond the immediate point of provocation.

The conflict also showed how drones, precision weapons, air defence and electronic warfare are changing the character of warfare in the subcontinent. But deterrence does not necessarily eliminate adversarial intent. It can instead encourage an adversary to search for alternative methods.

This is where the last 15 months matter. The question is not whether Pakistan is preparing another adventure; there is no basis yet for making that assertion. The important question is whether it has concluded that the next contest with India must be conducted differently. Geographical

relevance Pakistan's relationship with Türkiye is not new. Turkish support on Kashmir and Erdogan's aspiration for a larger role in the Islamic world have endured. What has changed is Türkiye's huge growth as a defence-industrial power.

Pakistan is already deepening cooperation with Türkiye in aerospace, unmanned systems, emerging technologies, training and interoperability. Reports following Operation Sindoor indicate that Pakistan has also been looking to Türkiye for unmanned systems while addressing gaps exposed during the conflict.

This should not be interpreted as Türkiye preparing to fight the war for Pakistan. The more consequential possibility is more subtle : Türkiye can help Pakistan fight differently. Drones, counter-drone

systems, electronic warfare, surveillance, precision technologies and defence production can, over time, expand Pakistan's options with basic Turkish cooperation.

The Saudi dimension adds another layer. Pakistan's relationship with Saudi Arabia has extended across military, economic and strategic domains. Some years ago, I assessed the Saudi reliance on Pakistani military capabilities and the importance Riyadh attached to Pakistan as a counterweight to Iran. I also recorded the limits of the relationship; Saudi Arabia would not allow Pakistan's Kashmir agenda to dictate its own wider foreign policy.

The new pact does not change that basic reality. Saudi Arabia is not signing up to Pakistan's India policy. Yet, Pakistan gains something valuable: strategic depth in political, economic and military relationships.

Saudi financial strength, its position in the Islamic world and its security partnership with Pakistan can provide Islamabad greater confidence even when Riyadh remains neutral on an India-Pakistan contingency. The mere existence of additional strategic relationships can influence how a state assesses risk.

Pakistan remains the only nuclear-armed member of the trilateral arrangement. There is no Pakistani nuclear guarantee to Saudi Arabia and no evidence of nuclear sharing. Yet Pakistan's nuclear ca-

pability inevitably forms part of the strategic backdrop. Geographical

Reference The combination is therefore worth watching: Pakistani nuclear deterrence, Turkish defence technology, Saudi economic strength and China's continuing military relationship with Pakistan.

None of these automatically combine into a single military instrument. But together they can provide Pakistan with more options and greater strategic confidence. That distinction matters because deterrence is shaped not only by capability, but by the adversary's perception of the consequences of using it.

If Islamabad begins to believe that its external partnerships can complicate or raise the costs of an Indian response, the confidence generated by that perception could itself encourage greater risk-taking.

J&K will remain central to Pakistan's strategic thinking, but the next challenge need not originate there. Operation Sindoor has made the traditional theatre more hazardous for Pakistan. Islamabad could therefore retain its objectives while shifting the geography and method of confrontation, looking for vulnerabilities beyond the familiar front.

This does not mean predicting specific targets. Maritime approaches, economic centres, critical infrastructure, cyber networks and technologically important regions could offer different opportunities for disruption.

Taliban-Pakistan strife gives India a foothold

VIVEK KATJU

THE Taliban have completed five years of their rule in Afghanistan. They re-established their Emirate on August 15, 2021, as the Afghan republic collapsed. President Ashraf Ghani fled the country. Other leaders, with the exception of former President Hamid Karzai and former Chief Executive Officer Abdullah Abdullah, also left Afghanistan. With the end of the republic's political system, its armed forces disintegrated; its personnel went back to their villages.

Over the past five years, the Taliban regime under Haibatullah Akhundzada has cohered despite internal differences. It has reimposed the group's basic ideological tenets, but not as rigorously as in the 1990s. Afghanistan's economic situation continues to be dire, even though some foreign assistance and remittances have helped in preventing a meltdown. The Taliban have contained the activities of the Islamic State (Khorasan province). In recent months, though, there have been reports of some popular restlessness. There has also been

some armed anti-Taliban activity in the Baghlan and Badakhshan provinces, but it is not of major proportions. All in all, the regime remains stable.

A remarkable development in the Taliban story over the past five years, if not since their emergence in 1994, is the breakdown in their relations with Pakistan. This has been best illustrated by Lt Gen Ahmed Sharif Chaudhry, Director General (DG) of Pakistan's Inter-Services Public Relations. Recently, he told the media that the Taliban were “massacring the Islamic faith”. He went on to ask if their conduct was Islamic.

Chaudhry pointed to their treatment of women as well as children and fatwas against other Muslims. He concluded by asking if the Taliban represented any version of Islam. He reminded the media corps that the Taliban's ties with India were contrary to the Quran's Surah Al Imran, Ayat 28. According to him, this Ayat instructed Muslims not to befriend kafirs. Most Muslim scholars disagree with this interpretation. IndiaNews Focus

It is ironic that the Pakistani establishment responsible for nurturing the Taliban and ensuring that they defeated the US and demolished the Afghan republic should now be so vituperative against them. This is especially because the Taliban have not changed their interpretation of the Islamic faith. That had not deterred the now-disgraced and in-custody Lt Gen Faiz Hameed (ret'd) as DG, ISI, in August 2021 from exulting at the Taliban victory over the republic. His ear-to-ear grin at the Serena Hotel in Kabul was captured in an iconic photograph. What then has caused the relatively rapid meltdown between Pakistan and the Taliban?

Recently, a senior leader of the Afghan republic told me that a perceptive Pakistani official was worried during the 2021 Doha interaction between the republic and the Taliban about how Pakistan-Afghanistan relations would evolve if the Taliban came to power in Kabul. The official told the Afghan leader that Pakistan and the Taliban were heading for a “divorce”.

This Pakistani — a Pathan — was an outlier, for the prevailing opinion in

Pakistan's Punjabi-dominated military leadership was that it would reduce Afghanistan to almost the status of the country's fifth province. However, the official, who had a clear understanding of the Taliban psyche, knew that they would eventually follow an independent course, including in their approach to India. This assessment was correct.

After an initial period when the Taliban could not openly go against Rawalpindi, they insisted on opening up to India and wanted to establish warm and cooperative ties with it. New Delhi took its time, but eventually it reciprocated. The India-Taliban relationship has been a major reason for Pakistan's rupture with the regime. IndiaNews Focus

More importantly, it was the Pakistani establishment's complete misreading of the Tehrik-e-Taliban Pakistan (TTP)'s solid ties with the Taliban that led Rawalpindi to expect that the Taliban would abandon the TTP. The TTP had sworn allegiance (bayat) to the Taliban emir. It had also developed the ability to influence intra-Taliban relations, which gave it a

standing in Afghanistan.

Since 2021, Pakistan has tried everything — from persuasion to coercion, including sending back Afghan refugees at a time when the country found it difficult to absorb them, to open use of armed force — but the Taliban-TTP relationship has not eroded. There is little chance that it will do so in the foreseeable future.

Over and above these factors, there is the old and enduring prejudice of the Punjabi establishment towards Afghans, which got exacerbated when the Afghan State disintegrated and millions of poor Afghans came to Pakistan. This Punjabi prejudice is also reflected in its attitude towards its own Pathans, though many of them have been co-opted in the Punjabi-dominated state.

The bias exhibited by Punjabi bidadaris towards the Pathans who have long settled in Punjab is less than that towards those who live across the Indus, but it is there nonetheless. Former PM Imran Khan is of Pathan origin; he captured the popular imagination in Punjab, but that began with his cricketing success. He lan-

guished in politics till the Army built him up, but the Punjabi generals brought him down when he grew too big for his boots.

There has been a long history of an inimical attitude among the people on both sides of the Indus, and in particular those who live across the Durand Line. Analysts do not generally appreciate how much of a role this plays in Afghanistan-Pakistan relations. Only those who have spent endless hours with the Afghans, drinking pot after pot of chai sabz (green) or chai siyah (black), sometimes late into the night, get an inkling of their attitude towards the Punjabis and the role they play in the affairs of the State even now.

To this has now been added the bitterness over the treatment meted out to the refugees by the Pakistani officialdom and even the public. And, finally, there is the Taliban feeling that Pakistan was playing both sides during the years it supported the group.

Afghanistan-Pakistan tensions are not going to end anytime soon; this will naturally give opportunities to other powers. These have to be utilised constructively and wisely.