



Bolstering Paris

The Katowice consensus does not adequately reflect the challenge to limit global warming

The UN Climate Conference held in Katowice, Poland, has moved ahead with the implementation of the Paris Agreement through a rule book, reflecting strong support among citizens of all countries for urgent action to avert dangerous climate change. Public pressure has prevailed over scepticism, although the outcome does not adequately reflect the short window available to make deep greenhouse gas emissions cuts. Yet, the Paris Agreement, endorsed by 195 countries under the UN Framework Convention on Climate Change (UNFCCC), has a long road ahead before carbon emissions can be pegged at levels flagged by scientists. Recently, the Intergovernmental Panel on Climate Change (IPCC), in a special report, issued a stark warning on man-made emissions. It said that to cap the rise in global average temperature over pre-industrial levels at 1.5°C, a 45% reduction in emissions over 2010 levels must be made by 2030. This is a challenge for all big economies, including India, which is among the top five emitters of carbon dioxide. In the Indian context, it highlights the need for action on several fronts: scaling up solar and wind power in line with the goal of reaching 175 GW of renewable energy by 2022, steadily reducing reliance on coal, shifting substantially to electric mobility and adopting green industrial processes. Taxing luxury emissions and using the dividend to give the poor energy access has to be the policy target, building on international green climate funding linkages.

At Katowice, Indian negotiators put forth legitimate concerns on the likely social impact of the new rules that will operationalise the Paris Agreement in 2020. After all, at an estimated 1.2 tonnes of CO2 per capita, India emits far below the global average of 4.2 tonnes. Yet, cumulative emissions determine the impact on climate, and India's emissions grew at an estimated 6.3% in 2018. The prospect of increased frequency and intensity of extreme weather events and sea level rise in a warming world affecting small island states allows little room for complacency. The task now is to achieve a paradigm shift that will slow down the addition of new sources of carbon emissions. As a party to the global climate compact, India has to systematically assess its emissions and measure mitigation actions for reporting to the UNFCCC at stock-taking meetings. This is an opportunity to bring major sectors such as energy production, building, agriculture and transport on board, and make changes to regulations that favour environment-friendly alternatives. China has taken the lead in advancing electric mobility, while individual States and cities are ahead of national governments, as in the U.S., in reducing their carbon footprint. A clean-up in India will help meet emissions commitments and remove the blanket of air pollution that is suffocating entire cities.

Fatal fires

Fire safety norms for hospitals need to be strengthened and strictly enforced

The devastating fire at the Anandhi hospital of the Employees State Insurance Corporation in Mumbai that killed at least eight people is a shocking reminder of the low priority fire safety gets in India. That a blaze could break out in a relatively new building with such deadly consequences calls into question the precautions taken by the authorities. The Maharashtra government should conduct a thorough probe and examine the claim made by the Fire Department that the hospital had failed an inspection recently and was served a notice. It would be shockingly negligent if the hospital continued to function without adhering to fire safety standards in spite of an adverse report from the statutory authority. Ironically, ESIC is a welfare organisation working to protect the health and well-being of the labour sector, and is expected to set an example through the quality of its facilities. The Anandhi horror evokes memories of the AMRI hospital blaze in Kolkata seven years ago, in which 92 people died. It led to an assessment of hospital safety in all States, but evidently the impact has been patchy at best. In fact, the Justice Tapan Mukherjee Commission appointed by the West Bengal government held the directors of AMRI hospital responsible, since they actively reviewed the institution's administrative measures. This year, critically ill patients had to be carried outside by relatives during a fire at the Calcutta Medical College and Hospital.

A strong building code with features for reduction of fire hazards is important for all structures, but it is more so for hospitals since they host people who are incapacitated and cannot be evacuated quickly. The National Accreditation Board for Hospitals and Healthcare Providers (NABH) goes by the National Building Code and its specific norms for hospitals, which include minimum requirements for multi-storeyed structures, such as alarms, sprinkler systems, specified-width staircases, smoke barrier enclosures and checks against storage of combustible materials in areas where patients are kept. Going forward, all State governments should require mandatory compliance with such safety features for any institution handling patients or giving care. Certification of facilities through third-party audit should be made compulsory to eliminate conflicts of interest involving official agencies. The institutions should also be insured for the highest levels of public liability. At a broader level, governments must shed their indifference and work to make all spaces safe. The situation today is depressing. In private, public or commercial buildings, official agencies tend to favour tokenism rather than high standards for the safety of occupants and visitors. They are ever-willing to "regularise" deviations in construction over time. It is time to fix responsibility for deadly accidents on a single official agency.

The slow, tortuous path to justice

The Delhi High Court judgment convicting Sajjan Kumar reminds the country that it must not forget mass killings



SANJAY HEGDE

Sajjan Kumar is likely to spend New Year's Day, in 2019, in prison. Thirty-four years after the assassination of Prime Minister Indira Gandhi and the killings of Sikhs that followed, a political leader who may have electorally benefitted from communal violence has been sentenced to imprisonment for life. The wheel of history has turned ever so slowly, as some believe, but its arc may have yet turned towards justice. The assassination of Indira Gandhi, on October 31, 1984, was a national tragedy. The anti-Sikh pogrom that followed in north India, with the worst violence taking place in Delhi, was a greater tragedy. But the greatest tragedy of all was the stonewalling of investigation by the law enforcement agencies, and the seeming deafness of the justice delivery system. The judgment reconstructs the scene of violence and all the waiting that followed.

Maze of inquiries

It took years of commissions of inquiry and other inquiries before six accused, including Sajjan Kumar, a formidable Congress leader in Delhi, who was a member of Parliament at the time, were sent up for trial some time in 2010. Three years later, the trial court convicted five of the accused: three of them for the offences of armed rioting and murder, and two of them for the offence of armed rioting. Kumar stood acquitted by the trial court of all of-

fences. Those convicted as well as the Central Bureau of Investigation appealed to the Delhi High Court. Now, the Bench of Justices S. Muralidhar and Vinod Goel has overturned the April 2013 judgment of the trial court, and sent Kumar to prison for life. Their judgment carries the echo of the crimes committed in the days after Mrs. Gandhi's assassination and failure to hold the guilty to account for so long.

The judgment finds: "The accused in this case have been brought to justice primarily on account of the courage and perseverance of three eyewitnesses. Jagdish Kaur (picture) whose husband, son and three cousins were the five killed; Jagsher Singh, another cousin of Jagdish Kaur, and Nirpreet Kaur who saw the Gurudwara being burnt down and her father being burnt alive by the raging mobs. It is only after the CBI entered the scene, that they were able to be assured and they spoke up. Admirably, they stuck firm to their truth at the trial."

Staying the course

As a result of their testimony, Sajjan Kumar now stands convicted for conspiracy to murder and for the abetment of murder, in the deaths of Kehar Singh and his 18-year-old son Gurpreet Singh, and the killings of Raghuvinder Singh, Narender Pal Singh, and Kuldeep Singh - all members of the same family. I mention the names of the dead because the dead in communal violence should not lose their vestigial humanity by being simply reduced to a score of unnamed victims.

Kehar Singh's wife, Jagdish Kaur, was one of the principal witnesses against Sajjan Kumar. The



other principal witness is her cousin Jagsher Singh, whose brothers Raghuvinder and Narender Pal Singh were also killed on November 1, 1984. The high court judgment notes Jagdish Kaur's recollection: "At around 9 am on 2nd November 1984, when she went to lodge a report at the PP, she saw that a public meeting was taking place which was attended by A-1 who was the local Member of Parliament (MP). She heard him declare, "Sikh sala ek nahin bachna chahiye, jo Hindu bhai unko sharan deta hai, uska ghar bhi jala do aur unko bhi maro."

The judgment records Jagsher Singh's recollection that "around 10 p.m., he saw an Ambassador car which stopped at the turning onto Shiv Mandir Marg. He stated that 30-40 persons gathered around the car from which emerged A-1 who enquired as to whether 'they have done the work'. Thereafter, it is stated, A-1 approached the house of PW-6 (Jagsher Singh) to inspect it and came back and told the assembled mob that they had 'only broken the gate of the thekedars' house'. One of the members of the mob then allegedly informed him that 'the thekedars are being saved by the Hindus only'. Upon hearing this, A-1 is stated to have instructed

the mob to burn the houses of the Hindus who were sheltering the Sikhs. He then left in his car."

The court rules: "To this Court, PW-1 [Jagdish Kaur] comes across as a fearless and truthful witness. Till she was absolutely certain that her making statements will serve a purpose, she did not come forward to do so. This is understandable given the fact that all previous attempts at securing justice for the victims had failed. The large number of acquittals in the cases demonstrated how the investigation was completely botched-up. It also demonstrated the power and influence of the accused and how witnesses could easily be won over. The atmosphere of distrust created as a result of these developments would have dissuaded the victims from coming forward to speak about what they knew. In the context of these cases, the factum of delay cannot be used to the advantage of the accused but would, in fact, explain the minor contradictions and inconsistencies in the statements of the key eye-witnesses in the present case. Nothing in the deposition of PW-1 points to either untruthfulness or unreliability. Her evidence deserves acceptance."

A moment of reflection

Sajjan Kumar is not very different from many other politicians of this era, who use mob emotions to ride to power. However, he is probably the first to be held guilty of conspiring with the mob to cause the deaths of his constituents. It is for us as a country to ensure that mob violence yields no political dividends. If we as voters decide to electorally punish those who incite mobs, yield to them, or fail to stop their violence, the resort to

politics of mass murders will simply stop. The judgment notes that "there has been a familiar pattern of mass killings in Mumbai in 1993, in Gujarat in 2002, in Kandhamal, Odisha in 2008, in Muzaffarnagar in U.P. in 2013 to name a few. Common to these mass crimes were the targeting of minorities and the attacks spearheaded by the dominant political actors being facilitated by the law enforcement agencies. The criminals responsible for the mass crimes have enjoyed political patronage and managed to evade prosecution and punishment."

It also says: "While it is undeniable that it has taken over three decades to bring the accused in this case to justice, and that our criminal justice system stands severely tested in that process, it is essential, in a democracy governed by the rule of law to be able to call out those responsible for such mass crimes. It is important to assure those countless victims waiting patiently that despite the challenges, truth will prevail and justice will be done."

While the 1984, 1993, 2002, 2008 and 2013 riots are painful episodes in our history, the judgments of the Delhi High Court of 2018 in the Sajjan Kumar and Hashimpura cases shine like good deeds in a naughty world. Milan Kundera wrote that "the struggle of man against power is the struggle of memory against forgetting". The judgment tells Kehar Singh, Gurpreet Singh, Raghuvinder Singh, Narender Pal Singh and Kuldeep Singh, that neither Jagdish Kaur nor India have as yet forgotten them.

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Restoring the balance

India must remain invested in strengthening democratic institutions in the Maldives



HARSH V. PANT

Maldivian President Ibrahim Mohamed Solih's three-day visit to India this week seems to have brought a tumultuous phase in India-Maldives ties to a close. This is Mr. Solih's first overseas visit after becoming the President of the Indian Ocean nation of 400,000 people. He defeated Abdulla Yameen in a surprise victory in the Maldivian presidential elections in September and, since then, has recalibrated his country's ties with India. While Mr. Yameen had drawn the Maldives closer to China and brutally crushed the Opposition, Mr. Solih's victory has been a shot in the arm for those who favour strengthening democratic forces in the island nation.

Prime Minister Narendra Modi had attended the swearing-in ceremony of Mr. Solih as the President of Maldives in November, his first visit to the nation as Prime Minister and the first by an Indian head of state since 2011. Even as Mr. Modi enthusiastically reached out to all of India's neighbours after his election in 2014, he remained re-

luctant to engage Mr. Yameen. His planned visit to the Maldives, in March 2015, was cancelled as the political environment deteriorated under Mr. Yameen. In a strong endorsement of Mr. Solih's victory, Mr. Modi underscored that the recent elections in the Maldives represented the collective aspirations of the people for democracy, the rule of law and a prosperous future. He made it clear that India desired "to see a stable, democratic, prosperous and peaceful Republic of Maldives".

Points of engagement

Mr. Solih's India visit has seen the two sides emphasise their traditionally close bond. He called India the island nation's "closest friend" and "reaffirmed his government's 'India-First' Policy", committing to working together closely with India. India, for its part, announced a financial assistance package of \$1.4 billion for the Maldives in the form of budgetary support, currency swap agreements and concessional lines of credit. Both have agreed to ensure that they would keep other's security interests in mind as they consolidate cooperation in the Indian Ocean Region (IOR). They have agreed to strengthen maritime security cooperation in the IOR through coordinated patrol and aerial surveillance. In an attempt to boost trade ties, Mr. Modi



"welcomed the expanding opportunities for Indian companies to invest in the Maldives". Areas such as fisheries development, tourism, transportation, connectivity, health, education, information technology, new and renewable energy and communications were earmarked for enhancing bilateral cooperation.

The China factor

It is important from New Delhi's perspective that Mr. Solih succeeds in the Maldives. Under Mr. Yameen, the Maldives had veered too close to China for India's comfort, welcoming Chinese money for major infrastructure projects and signing a controversial free trade agreement (FTA). India's entreaties for political moderation and closer security ties were summarily ignored. China's role in the Maldivian economy is under the scanner today amid growing concerns about the money the Maldives owes to China for infrastructure projects undertaken by Chinese construction companies. These infrastructure projects in-

clude the China-Maldives Friendship Bridge, which connects Malé's eastern edge to the western corner of the island of Hulhulé. It is now estimated that China's loans to the Maldives total at least \$1.3 billion, or a quarter of the island nation's gross domestic product. Faced with this crisis, the new Maldivian government is looking to India for more budgetary support to help meet its development goals and is also planning to revise the FTA with China.

The Modi government is also trying to ensure help reaches Malé in time so that New Delhi regains some of its lost space in the Maldives' foreign policy and politics. Malé has also made it clear that while the neighbourhood will clearly be a priority for the Solih government, China will continue to play an important role as an economic partner. So China is not going to disappear from the Maldivian foreign policy matrix. Nor should India expect it to. But the logic of geography dictates that India's role will be critical in determining the trajectory of political developments in the Maldives.

India's patient handling of the Maldives crisis over the last few years has positioned it well. By coordinating its response with other like-minded regional and extra-regional players, India increased the costs for Mr. Yameen and also underscored that there are op-

tions available to the Maldives should it decide to move away from China. After a meeting of the 'Quad' countries in Singapore in November, the U.S., for example, released a statement expressing support for the new Maldivian government.

The domestic dynamic

Going forward, the Maldives would need the support of India as its challenges remain acute. The institutional fabric of the country has been battered under Mr. Yameen's assault even as the threat of Islamism has grown in potency. Governance will continue to be challenging as the forces which came together to bring down Mr. Yameen may not be cohesive enough in running the nation and strengthening its democratic foundations.

India should not be deterred by temporary setbacks. Instead of perpetually viewing the dynamics from a China-centric perspective, it must keep its eyes firmly on the long term. The more invested New Delhi is in strengthening democratic institutions in its neighbourhood, the better returns it will get in its foreign policy.

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LETTERS TO THE EDITOR

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Slow wheel of justice

The Delhi High Court's award of life imprisonment to Congress leader Sajjan Kumar for his role in the Sikh riots of 1984 has not only brought relief to the survivors and families but also redeemed our faith in the judiciary (Page 1, "Cong. leader Sajjan Kumar gets life term in anti-Sikh riots case", December 18). The nation looks forward to a similar dispensation of justice to those affected in the Gujarat riots of 2002 too, where the role of the State government came in for severe criticism by the Supreme Court. One cannot forget its lines that alluded to "modern day Neros looking elsewhere" when people were burning and "probably deliberating on how the perpetrators of the crime could be saved or protected". When violence is unleashed against the minorities under the tacit approval of the state, suppression or erasure of evidence by those in

authority is to be expected. The courts should go the extra mile in unearthing proof to nail the guilty by treating such offences as a "crime against humanity". K. NATARAJAN, Madurai ■ The verdict spells hope even after the passage of time. One only hopes that the same fervour applies to the perpetrators of the 2002 Gujarat pogrom. The rumoured involvement of people in high places in all these cases and many more needs to be thoroughly investigated and the guilty punished in spite of the high positions they hold in government or a political party. G.B. SIVANANDAM, Coimbatore ■ It is most tragic that political patronage, administrative complicity and muscle power suppress the truth irrespective of the political party or alliance in power. And the police, who

are supposed to bring out the truth, appear to be hand-in-glove with the political class. This verdict only makes us raise our eyebrows as it has taken the judiciary over 30 years to ensure some justice for the families. There needs to be a separate law for crimes against humanity and genocide. Waiting for decades to ensure truth and justice is a bigger crime. J.P. REDDY, Nalgonda, Telangana ■ It is a shame that even after adopting the Universal Declaration for Human Rights, the Genocide Convention and signing the Convention for the Prohibition of Torture, laws that deal with the prohibition of torture and genocide are not reflected in our legal system. Such specific laws are inviolable and a state cannot derogate from such an obligation of protection even in times of war. There is a need now more than ever before to promulgate such laws.

Further, there is a need to establish robust procedural laws that deal with riots and mass murders. Models such as the Nuremberg and Tokyo tribunals or recent examples such as the tribunals for Rwanda and the former Yugoslavia can be emulated to quicken the disposal of cases involving mass murders. Perhaps if the government had chosen to set up such a tribunal in 1984, it would not have taken decades for this verdict. Finally, none of this will be possible without collective political commitment. SURYA RAJKUMAR, Sonapat, Haryana ■ The verdict comes as a breath of fresh air in these choked times and is a reminder not to lose faith in justice prevailing. There are a few who still persevere and never lose patience. Jagdish Kaur is the stuff that legends are made of. SANGEETA KAMPANI, New Delhi

On NOTA Though there may be arguments that the option of None of the Above, or NOTA, while voting does or does not play a decisive part in winning elections, one thing is for sure (Editorial page, "Not a decisive factor", December 18). Its use has paved the way as an instrument of protest against the government. It may symbolise 'negative voting', but it would be more accurate to say it gives a dimension to the right to CORRECTIONS & CLARIFICATIONS: A sentence in the report on Congress's data-driven campaign in Punjab (Dec. 18, 2018) read: "Though the party did not turn to Prashant Kishor for the Punjab election, after the media spotlight following his 2014 success with Prime Minister Narendra Modi - professional strategists are now a part of every election." It should have read: "The party turned to Prashant Kishor for the Punjab election, ... strategists are now a part of every election."

rejection candidates. PRANJAY MISHRA, Surajpur, Chhattisgarh ■ Sindhu's win P.V. Sindhu, a talented young lady, has proved that perseverance pays ('Sport' page, "A golden finish for Sindhu", December 17). The Sports Ministry should scout for more talent in badminton. GOVARDHANA MYNEEDI, Vijayawada MORE LETTERS ONLINE: www.hindu.com/opinion/letters/ It is the policy of The Hindu to correct significant errors as soon as possible. Please specify the edition (place of publication), date and page. The Readers' Editor's office can be contacted by Telephone: +91-44-28418297/28576300 (11 a.m. to 5 p.m., Monday to Friday); Fax: +91-44-28552963; E-mail: readerseditor@thehindu.co.in; Mail: Readers' Editor, The Hindu, Kasturi Buildings, 859 & 860 Anna Salai, Chennai 600 002, India. All communication must carry the full postal address and telephone number. No personal visits. The Terms of Reference for the Readers' Editor are on www.thehindu.com