



Unacceptable fetters

Rajasthan's ordinance shields the corrupt, threatens the media and whistle-blowers

The Rajasthan ordinance making it a punishable offence to disclose the names of public servants facing allegations of corruption before the government grants formal sanction to prosecute them is a grave threat to media freedom and the public's right to know. In recent times, the legislative mood is consolidating towards adding more layers of protection to officials from corruption cases. While no one can object to genuine measures aimed at insulating honest officials from frivolous or motivated charges of wrong-doing, there can be no justification for the Vasundhara Raje government to prescribe a two-year prison term for disclosing the identity of the public servants concerned. Section 228-B, the newly introduced Indian Penal Code offence that relates to acts done in the course of discharging official functions, is a direct threat to the functioning of the media and whistle-blowers. It is a patently unreasonable restriction on legitimate journalism and activism against venality. In addition, the Criminal Laws (Rajasthan Amendment) Ordinance, 2017 fetters judicial magistrates from ordering an investigation without prior sanction, as an additional shield for public servants who already enjoy the protection of Section 197 of the Code of Criminal Procedure, and Section 19 of the Prevention of Corruption Act, 1988, which make prior sanction mandatory before a court can take cognizance of a case. It may even paralyse an impending probe, as no investigating agency can approach a sanctioning authority without gathering any material.

This is the first time a section prescribing punishment for disclosure is being introduced in India, though provisions barring investigation or prosecution without prior sanction are also in force in Maharashtra. However, the time limit for the sanctioning authority to act is 180 days in Rajasthan, and 90 days in Maharashtra. The Union government, too, has a set of amendments to the Prevention of Corruption Act pending since 2013, including a proviso for prior sanction. The Supreme Court verdict of May 2014 striking down a statutory provision for prior government clearance for a Central Bureau of Investigation probe against officials of the rank of joint secretary and above is the touchstone against which the constitutionality of the pre-investigation sanction requirement will be tested. The court had observed that such a provision destroys the objective of anti-corruption legislation, blocks the truth from surfacing, thwarts independent investigation and forewarns corrupt officers. Anti-corruption legislation in India seems to be in a state of unacceptable flux. Amendments, including those redefining criminal misconduct among public servants so that *bona fide* decisions by officials do not result in corruption charges, are yet to be passed. The Lokpal Act is yet to be operationalised. It is time the Centre enforced a strong body of legislation that punishes the corrupt, protects the honest, and ensures time-bound public services and whistle-blower safety. Nothing less will behove a government ostensibly keen on bringing down the edifice of corruption.

Cycle of terror

A string of deadly attacks highlights the strategic muddle in Afghanistan

The multiple terror attacks that killed at least 200 people in Afghanistan last week has set alarm bells ringing in Kabul. That the attacks occurred at a time when the United States was putting to work its new strategy to stabilise Afghanistan underscores the resolve of the militants to stay the course of insurgency. Most of these attacks were carried out by the Taliban. On Friday, bombings in two Shia mosques killed more than 80 people, mostly Shias, for which the Islamic State has claimed responsibility. The security situation in Afghanistan is increasingly worsening. If the government faced only one major armed insurgency till a couple of years ago, now it has to fight on many fronts. While the Taliban, which control almost half of the country, are focussing largely on government buildings and security personnel, the IS's local branch, known as the Khorasan Province, is waging a bloody sectarian war. Friday's was the sixth major attack this year on Shia shrines. While the Afghan government has issued a strong statement reiterating its resolve to fight terror, such words will not inspire confidence unless an international coalition strengthens Kabul's capacity to enforce the rule of law. Civilian war-related deaths have risen since 2012, when 2,769 people were killed. Last year the toll was about 3,500, according to the UN.

The U.S. has made several promises *vis-à-vis* Afghanistan. But after 16 years of war, the world's largest military force appears to be as clueless as the Afghan army on how to put an end to the conflict. One option, as many diplomats have pointed out, is to engage the Taliban directly, while continuing the fight against other terror groups such as al-Qaeda and the IS. The Obama administration had expressed the willingness to talk. But such attempts did not take off amid problems including the Taliban's ambitions, the American drone campaign against their leaders and Kabul's inability to pursue a bold deal, let alone Pakistan's dual play. The latest wave of Taliban attacks occurred days after officials from four countries – the U.S., China, Pakistan and Afghanistan – met in Oman, seeking ways to revive peace talks. The attacks are a message from the Taliban that they are least interested in talks. Why should they be, at a time when they are on the offensive? An outright military victory in Afghanistan appears remote, given the Taliban's swelling networks and the support they enjoy in rural areas. But an outright victory looks impossible for the Taliban too as long as the U.S. remains committed to Afghanistan. This makes peace talks the only practical way forward. But Kabul and the coalition should first restore Afghan confidence in the government's ability to govern, before reaching out to the Taliban.

In a foreign policy haze

The U.S. Secretary of State arrives in Delhi for his first official visit amid mixed signals from Washington



SUHASINI HAIDAR

In an ambitious statement ahead of his visit to India this week, U.S. Secretary of State Rex Tillerson set the course for India-U.S. relations going ahead, mapping convergences in connectivity, trade and economics and counter-terrorism cooperation. He said the "most profound transformation" was their growing strategic convergence, and agreed that "the world's two greatest democracies should have the two greatest militaries."

His comments were welcomed in New Delhi, especially as they contained several broadsides on China's actions in the Indo-Pacific and on its Belt and Road Initiative (BRI), which India has fiercely opposed. He also displayed a keen understanding of India's strengths as a "diverse, dynamic, and pluralistic" democracy.

Hold the enthusiasm

Despite Mr. Tillerson's effusive words, however, it may be necessary to curb any enthusiasm until the U.S. policy compass itself is more settled, given that the policies of the Trump administration have thus far defied a clear reading. Worse, they have sent out confusing signals, with policy, public statements, and Twitter bursts often contradicting each other. A case in point was the Coleman hostage release story last week, that led to a slew of statements on the U.S.'s relationship with Pakistan.

Just days before U.S. Defence Secretary James Mattis and Joint Chiefs of Staff Chairman Gen. Joseph Dunford had told a Senate armed service committee that



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Pakistan's Inter-Services Intelligence (ISI) has proven links to terror groups and suggested the partnership with Pakistan was all but over. After the release, President Donald Trump tweeted that he was beginning to "develop a much better relationship with Pakistan and its leaders". Shortly after, his Chief of Staff John Kelly referred to Pakistan as a "great partner", while Mr. Tillerson said Pakistan was critical to regional stability.

Yet, reports that the raid by Pakistan had come not through intelligence cooperation but coercion – a team of Navy Seals had threatened to go in, Zero Dark Thirty-style, if Pakistani forces didn't rescue the five-member Coleman family before they were transferred across the border with Afghanistan – called into question these fulsome words of praise.

Even more confusing were the actions. As U.S. forces resumed drone strikes in the Af-Pak region, their big kill was Omar Khalid Khorasani, the leader of the Jamaat-ul-Ahrar, which targets Pakistan, not Afghanistan. Meanwhile, the U.S. rejoined the Pakistani-led Quadrilateral Co-ordination Group along with Afghanistan and China, that seeks to bring the Afghan Taliban to the table for talks, a group that's carried out deadly attacks across Afghanistan just last week. As a result, it may seem that the U.S.'s South Asia

policy has mixed up its carrots and sticks in the Af-Pak region.

The Pakistan line

For India, it is disappointing that Washington has not been similarly pro-active in condemning the Pakistan government's decision to drop terrorism charges and paving the way for 26/11 mastermind and Lashkar-e-Taiba leader Hafiz Saeed's release from detention, while it is hoped that Mr. Tillerson will make those statements in Islamabad. Instead, Mr. Tillerson appears to be keen on brokering dialogue between India and Pakistan, saying that he hopes to "ease tensions along their border."

Some of the confusion in public statements clearly stems from the 'disconnect' in Washington, with the White House, the U.S. military establishment, and the State Department on different pages. It is no secret that Mr. Trump, Mr. Tillerson and other decision makers have often been at odds over policies on Afghanistan, Iran, North Korea, Qatar, climate change, etc. In an interview last week Mr. Tillerson admitted to the differences, and even that he was often informed of presidential policy by tweet.

"I wake up the next morning, the President's got a tweet out there," Mr. Tillerson told *The New York Times*, a circumstance that saw the U.S. President praise Saudi

Arabia for its moves to isolate Qatar, even as Mr. Tillerson travelled there to play the part of neutral mediator. Similarly, during American talks with North Korea, Mr. Trump all but scuttled Mr. Tillerson's efforts with a tweet that said he was "wasting his time trying to negotiate with Little Rocket Man".

Several American media outlets have confirmed that Mr. Tillerson wanted to resign in July, and called Mr. Trump a "moron", and even as he headed out to West Asia and South Asia, at least one national daily speculated that he would quit within the week. While the U.S.'s internal politics should not, normally, concern others, the fact is that this level of instability and incoherence in foreign policy is unprecedented.

The contradiction in U.S. policies is even more significant for India, as the two policies announced by Mr. Trump for the region, his South Asia policy for Afghanistan and his policy on Iran, are at odds with each other.

According to Mr. Trump's Iran strategy, announced on October 13, the U.S. will increase sanctions on Iran to ensure it can no longer "finance terror", while refusing to certify its nuclear programme as required. Theoretically, this may not mean much to India. Practically, it will have a three-fold effect. To begin with, trade with Iran, which is already constrained by previous U.S. sanctions and diktats, will be very hard to enlarge. At present only a couple of Indian banks and almost no European banks can be used for non-oil trade, and Mr. Trump's statement will ensure few others will venture to do so. Indian oil imports from Iran have also been decreasing, mainly due to American pressure.

The Chabahar question

Second, if Iran is unable to conduct more trade, it will have less in-

centive to focus on the new Chabahar port over the pre-existing trade through Bandar Abbas. This would certainly impact India's plans for connectivity to Afghanistan and Central Asia.

It also remains to be seen whether the Trump administration would countenance Indian investment in Chabahar, the development of the railways through Zahedan, and regular trade through Iran in order to increase assistance to Afghanistan, as the U.S.'s South Asia policy encourages, given the tough language it has employed in its Iran strategy. What guarantees would there be that Mr. Trump, who is willing to overturn the Iran nuclear deal, would not expect friendly countries like India to follow suit in helping 'squeeze' Iran?

As Mr. Tillerson touches down in Delhi for his first visit to the region as Secretary of State, New Delhi must prepare for the challenges ahead with this wobbly compass in hand.

The government has a multi-fold challenge before it, to address its concerns on all these issues, while keeping the focus on the India-U.S. bilateral relationship, which is largely more beneficial for India. This will be yet more complicated as Delhi hosts Afghan President Ashraf Ghani on the same day that Mr. Tillerson arrives, and the talks could give the appearance of a trilateral. As Mr. Tillerson travels to Delhi from Islamabad, he will also carry the Pakistan perspective to his talks, a scenario of 'hyphenation' India had previously worked hard to avoid. In the absence of a clearer path ahead for the Trump administration, New Delhi should proceed with caution, before being drawn into the larger strategic web that the U.S. wishes to weave, both in the Af-Pak and Indo-Pacific regions.

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It's time to make deep emission cuts

The prospect of limiting global warming through 'negative emissions' is bleak



SUJATHA BYRAVAN

Human activities, the collective choices we have made to deploy fossil fuels and change land uses, are responsible for the release of greenhouse gases (GHGs) and associated global warming. In 2016, the earth's temperature was 1.3°C warmer than in pre-industrial times – as warm as in the Eemian interglacial period some 125,000 years ago – when sea levels were 6-9 metres higher than they are today. More dishearteningly, even if countries take the action they promised at the Paris climate change conference in 2015, the world would be about 3°C warmer by 2100, well above the 2°C temperature guardrail to avoid dangerous climate change.

Negative emissions

Clearly, the current pattern of increasing emissions (which reportedly grew at the rate of 2.6% per year during 2000-2015) needs a rapid phase down. But the Fifth Assessment Report of the Intergovernmental Panel on Climate Change (IPCC) indicates that the earth can stay below 2°C. Closer examination reveals that many of the integrated assessment models used to study future scenarios and

emissions assume that the world would somehow make use of significant amounts of 'negative emissions'. These are ways to remove carbon dioxide from the atmosphere, or even change the earth's radiation balance through geoengineering. These negative emissions in the models are used in addition to increasing use of renewables and improving the efficiency of energy services.

Some of the approaches that could remove or absorb carbon dioxide in the atmosphere are better agricultural practices that leave carbon in the ground, use of biochar, undertaking afforestation and reforestation. One method that is widely discussed is bioenergy for fuel in combination with carbon capture and storage (BECCS). This involves the use of plants as fuel. The released carbon dioxide is then captured and safely stored indefinitely. However, due to competition for land for food and other purposes, and due to technological limitations, this approach is believed to be inappropriate for extensive use.

Other methods to suck carbon dioxide from the atmosphere and increase carbon dioxide absorption by the oceans are also being explored, but their long-term implications are not clear. Some scientists have been discussing the possibility of injecting cooling aerosols at a large scale in the atmosphere, but these geoengineering technologies pose huge risks and are also not long-term solutions.



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Many scientists have voiced concern about over-reliance on BECCS and other large-scale engineering strategies, noting that these reflect political expedience rather than knowledge.

If BECCS and other approaches for negative emissions fail, we are likely to see a 4°C increase in global temperatures. In their recent *Climate Policy* article, Alice Larkin and her colleagues estimate that the cost optimisation models being used for these analyses are overly optimistic about negative emissions in the future.

These models also fail to consider equity dimensions and social and technological barriers. As a result, they pose a severe risk to society, especially to the poorest countries, which will experience the worst impacts of climate change. The irony is that these poor countries have emitted the least amount of GHGs.

There is also fear that policymakers do not fully recognise that

widespread deployment of negative emissions is a central assumption in many climate models and the scenarios that are now being advocated to keep to a 2°C rise. A society that places most of its eggs in the negative emissions basket will likely face catastrophic choices. Negative emissions also create a moral hazard problem, where we expect (future) others to bail us out while we continue to lead profligate lives.

This situation complicates an already immense problem and implies that near-term reductions in GHG emissions should receive more and immediate attention. If negative emissions become feasible in future, they could help the world stay on course in reducing warming, but this cannot be assumed while we are running short of the carbon space available to dodge dangerous climate change.

Peak emissions

Another critical scientific finding is that even if global emissions were to go down to zero by 2050 through some Herculean feat, there would be considerable amount of warming that the world is already locked into. The adverse effects of these would be severe and difficult to adapt to. This is already in evidence all over the world with several seasons of intense storms, droughts, floods, fires and their aftermath, meaning that any further delay in reducing emissions would put at risk many more lives, livelihoods and investments for decades to

come. According to Kevin Anderson and Alice Bows, the elephant in the room is that economic growth as usual cannot be reconciled with climate impacts, especially as Earth continues to warm. Scientists, they urge, need to speak openly and freely about the dangers of climate change without leaning on euphemisms. Climatologist James Hansen has also brought up the dangers of scientific reticence in the past, particularly in the context of sea level rise.

Policies therefore need to support practices that successfully keep carbon in the ground, prevent deforestation, support agricultural practice that sequesters carbon and promote sustainable land use practices that reduce emissions. We also need a carbon tax – various models for these have been discussed. 'Lifestyle' and other consumption activities that may have hitherto been outside the radar of climate policy because they disturb the status quo or are difficult would have to be considered. Policies should nudge especially the more prosperous communities towards less carbon intensive lifestyles, either through taxes or incentives or both. Otherwise, today's largely policies would merely shift current problems on to the shoulders of future generations.

Sujatha Byravan is a scientist who studies science, technology and policy

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.

Can he deliver?

The elevation of Rahul Gandhi as the Congress party's top leader has been in the air for a considerable length of time now ("Congress gets ready to finalise Rahul's elevation", October 22). The Congress has for long been known to be a party of sycophants and the likelihood of any opposition to his elevation can be effectively ruled out. However the million dollar question on every Congressman's mind will be whether Mr. Gandhi, who has earned a reputation for being inconsistent when the political heat becomes unbearable, can motivate the cadres and other leaders and ensure that the sinking party can rise again. With demoralisation having gone awry and economic indices in a nosedive, public sentiment and support is slowly waning for the BJP. The time is now ripe for Mr.

Gandhi, the Congress and the other Opposition parties to close ranks and emerge as a viable alternative to the saffron alliance.

C.V. ARAVIND,
Bengaluru

The Pranab interview

Former President Pranab Mukherjee is justified in claiming that the Congress has the ability to adapt, adjust and rejuvenate ('The Wednesday Interview', October 18). But will the Congress politically put to use that ability? One has doubts. For a party which refuses to learn lessons from its miserable defeat in 2014, rejuvenation is near impossible. The umbrella character of the Congress has considerably reduced and it is surviving in the shade of the dynasty. The party believes that secularism is just about minority appeasement and protection. Secularism is

also about majority promotion and does not mean Hindutva.

C.V. VENUGOPALAN,
Palakkad

Cutting off the Net

With the range of overarching power that the state possesses, we need many checks and balances to ensure the unimpeded continuance of civil liberties ("Making the Internet disappear", October 18). As ever, the 'law and order' excuse, which is the general recourse of the government, must be subject to proper standards of accountability. With the government using laws such as the Telegraph Act of 1885 in defence of its actions, the archaic nature of our laws governing technology is quite evident. There has to be a comprehensive change in policy.

MUHLAN THIRUNAVUKARASAN,
Courtallam, Tamil Nadu

States must be given a free hand in taking decisions necessary to maintain law, order and internal security. Stopping Internet access for a brief period is one of the logical steps to quell the spreading of rumours and unlawful mobilisation of people, thereby preventing clashes and destruction of government property as seen in Gujarat and Kashmir. It is the government which faces criticism later for not taking adequate steps to prevent such incidents. Timely and preventive precautionary measures are needed as there is no way one can differentiate between potential miscreants and legitimate users of the Internet.

NISHANT CHOUDHARY,
Ajmer, Rajasthan

Politics over film

Prior to its release, the makers of Tamil actor Vijay's "Mersal" would have

never imagined that the film would get widespread publicity from unexpected quarters ("Opposition stands with Mersal", October 22). The irony is that the flurry of comments are from those who have not seen the film and are airing their views just on hearsay. Controversial comments always die down in the course of time. There is no dearth of films depicting politicians, the police and bureaucrats in a bad light. The protest by the BJP against some of the dialogues is not warranted. As far as the medical field is concerned, its unethical practices have been brought out in the open time and again by none other the

members of the medical fraternity themselves.

V. SUBRAMANIAN,
Chennai

The page 1 article on the "Mersal" controversy, and reports in the inside pages – on the closure still of some multiplex theatres in Chennai and on how Disha Patani is to act in "Sangamithra", replacing Shruti Hasan – show that *The Hindu* has sunk to low levels. That a newsworthy daily has to publish such trivia and content instead of the real 'news' that it is noted for is painful.

HARICHARAN SRINIVASAN,
Chennai

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CORRECTIONS & CLARIFICATIONS:

In the article titled "The books they wrote" (Oct. 22, 2017), there was a reference to a novel, *Holiday*, written by journalist Stanley Middleton. Actually, Stanley Middleton was a teacher and a novelist.

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