



The death debate

Justice Joseph's views on abolishing capital punishment require serious consideration

In questioning the merits of retaining the death penalty, Justice Kurian Joseph has re-ignited a debate that is important and requires serious thought. What he said cannot be ignored, though the law laid down in *Bachan Singh* (1980), upholding the validity of the death penalty and laying down guidelines for awarding death in 'the rarest of rare' cases, still holds the field. Even the other two judges on the Bench have disagreed with Justice Joseph's view that the time has come to review the death penalty, its purpose and practice. But it is impossible to ignore the ethical and practical dimensions of the debate in a world that is increasingly questioning the wisdom of capital punishment. Justice Joseph has underscored the arbitrary manner in which it is awarded by different judges and the way public discourse influences such decisions. Concerns over judge-centric variations have been raised in the past. The Supreme Court itself spoke of the "extremely uneven application" of the norms laid down in *Bachan Singh*. The Law Commission, in its Report in 2015, said the constitutional regulation of capital punishment attempted in that case has failed to prevent death sentences from being "arbitrarily and freakishly imposed". Justice Joseph seems to endorse the Commission's assertion that "there exists no principled method to remove such arbitrariness from capital sentencing".

In individual cases, much of the conversation about the maximum sentence that may be imposed usually revolves around the nature of the crime, its gravity and cruelty, and the number of fatalities. In recent times, public outrage, the need for deterrence, and the clamour for a befitting punishment to render substantial justice have dominated the discourse. Theories of punishment on whether it ought to be punitive, retributive, reformative or restorative are less relevant to the public imagination and the law enforcers when the crime is grave and heinous. There is a conflict between those who sense the danger of inconsistent application and those who believe in condign justice. This conflict can be resolved only if the debate is taken to a higher plane: a moral position that there shall be no death penalty in law, regardless of the nature, circumstances and consequences of an offence. The Supreme Court has covered considerable ground in limiting the scope, to the 'rarest of rare cases'. Post-appeal reviews and curative petitions are routinely admitted. Review petitions are now heard in open court. The treatment of death row prisoners has been humanised, and there is scope for judicial review even against a sovereign decision denying clemency. If there still prevails a perception of arbitrariness in the way death sentences are awarded, the only lasting solution is their abolition. The views of the Law Commission and Justice Joseph should not be ignored.

Wage drag

The ILO's report underlines the need for wage expansion that is robust and also equitable

The International Labour Organisation's Global Wage Report has put into sharp relief one of the biggest drags on global economic momentum: slowing wage growth. Global wage growth, adjusted for inflation, slowed to 1.8% in 2017, from 2.4% in 2016, it shows. Worryingly, this is the lowest rate since 2008. Excluding China (given its high population and rapid wage growth it tends to skew the mean), the average was even lower (1.1% in 2017 against 1.8% in 2016). Across a majority of geographies and economic groupings, wage expansions were noticeably tepid last year. In the advanced G20 countries the pace eased to 0.4%, with the U.S. posting an unchanged 0.7% growth and Europe (excluding Eastern Europe) stalling at about zero. The emerging and developing economies in the G20 were not spared a deceleration, with the growth in wages slowing to 4.3%, from 4.9% in 2016. In the Asia and Pacific nations, where workers had enjoyed the biggest real wage growth worldwide between 2006 and 2017, it slid to 3.5% from the previous year's 4.8%. The obvious impact of this low pace has been on global economic growth with consumption demand hurt by restrained spending by wage-earners. Slow wage growth prompted U.S. Federal Reserve Chairman Jerome Powell to observe in June that "in a world where we're hearing lots and lots about labour shortages – everywhere we go now, we hear about labour shortages – but where is the wage reaction? So it's a bit of a puzzle."

The ILO report observes that the acceleration of economic growth in high-income countries in 2017 was led mainly by higher investment spending rather than by private consumption. Extending the time horizon, it reveals that real wages almost tripled in the developing and emerging countries of the G20 between 1999 and 2017, while in the advanced economies the increase over the same period aggregated to a far lower 9%. And yet, in many low- and middle-income economies the average wage, in absolute terms, was so low it was still inadequate to cover the bare needs of workers. The intensification of competition in the wake of globalisation, accompanied by a worldwide decline in the bargaining power of workers has resulted in a decoupling between wages and labour productivity. The fallout has been the weakening share of labour compensation in GDP across many countries that the ILO notes "remain substantially below those of the early 1990s". The Washington-based Economic Policy Institute uses the U.S. example to buttress the argument that widening inequality is slowing demand and growth by shifting larger shares of income "to rich households that save rather than spend". For India's policymakers, the message is clear: to reap the demographic dividend we need not only jobs, but wage expansion that is robust and equitable.

Neighbourhood first?

In a calibrated move, the Modi government is dialling down aggressive postures in bilateral ties



SUHASINI HAIDAR

When Prime Minister Narendra Modi touched down in the Maldives in mid-November to attend the swearing-in of Ibrahim Mohamed Solih as the country's President (*picture*), it was easy to count the "firsts" in his visit. Among them: this was Mr. Modi's first visit to the Maldives, the only country in South Asia he had not yet visited in his tenure, and the first by an Indian Prime Minister in seven years. The only time a visit by Mr. Modi had been planned, in 2015, he cancelled his travel plan abruptly, to register a strong protest at the treatment of opposition leaders, who are now in government. The one "first" that was not as prominent, however, was that despite inviting all South Asian Association for Regional Cooperation (SAARC) leaders to his own swearing-in ceremony in May 2014, the Maldives visit marked the first time Mr. Modi attended the swearing-in ceremony of any other leader. The fact that he did, and chose to be one among the audience rather than on stage, may be a more visible sign of a new, softer neighbourhood policy than the one Mr. Modi's government has pursued in previous years.

All in 2018

The current year, 2018, has marked a year of reaching out in the region by the Modi government in general, with a view to dialling down disagreements that otherwise marked ties with major

powers such as Russia and China. But while Mr. Modi's "Wuhan summit" with Chinese President Xi Jinping and the "Sochi retreat" with Russian President Vladimir Putin merited much attention, it is important to take stock of attempts at rapprochement in the immediate neighbourhood.

With Nepal, the government's moves were a clear turn-around from the 'tough love' policy since the 2015 blockade. Then, the government seemed to want nothing more than to usher Prime Minister K.P. Sharma Oli out of power. In 2018, however, when Mr. Oli was re-elected, despite his anti-India campaign, the Modi government wasted no time in reaching out and, in a highly unconventional move, despatched External Affairs Minister Sushma Swaraj to Kathmandu even before Mr. Oli had been invited to form the government. Since then, Mr. Oli has been invited to Delhi and Mr. Modi has made two visits to Nepal, with a third one planned in December to be part of the "Vivaha Panchami" festival. The frequency of visits in 2018 is in stark contrast to the three preceding years, when Mr. Modi did not visit Nepal at all.

Similar comparisons abound with India's reaction to major developments in the neighbourhood. In the Maldives, when emergency was declared by the previous regime of Abdulla Yameen, New Delhi made no attempt to threaten him militarily despite expectations of domestic commentators and Western diplomats. When Mr. Yameen went further, denying visas to thousands of Indian job seekers and naval and military personnel stationed there, New Delhi's response was to say that every country has a right to decide its visa policy.

With elections in Bhutan (com-



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pleted) and Bangladesh (to be held in December), as well as the ongoing political crisis in Sri Lanka, India has chosen to make no public political statement that could be construed as interference or preference for one side over the other. Earlier this year, the government even allowed a delegation of the Bangladesh opposition to visit Delhi and speak at Bharatiya Janata Party (BJP)-affiliated think tanks, although it later deported a British QC lawyer for the Bangladesh Nationalist Party.

Perhaps the biggest policy shift this year was carried out as a concession to the Ashraf Ghani government in Kabul. After a policy of more than two decades of refusing to engage with the Taliban, or even sit at the table with them, in November India sent envoys to the Moscow conference on Afghanistan, where the Taliban's representatives were present. The U.S. chose to send a diplomat based in Moscow as an "observer", but the Indian delegation of former Ambassadors to the region represented non-official "participation" at the event. The shift was palpable. Earlier, the government had stayed aloof from the process, explaining that any meeting outside Afghanistan crossed the redline on an "Afghan-owned and Afghan-led solution". While the change in position was eventually achieved by a high-level outreach by the Rus-

sian government, which has projected the conference as a big diplomatic success, India's participation had been nudged by President Ghani himself. He had made a strong pitch for backing talks with the Taliban during a visit to Delhi in mid-September. Both in his meeting with Mr. Modi and in a public speech, Mr. Ghani had stressed that the Islamic State and "foreign terrorists" were the problem in Afghanistan, as opposed to the Afghan Taliban itself, and talks with them had the support of the Afghan people. Whatever India's reservations may have been about the Taliban, the Modi government eventually decided to extend its participation to the Moscow event.

The Kartarpur link

Given the context, it may be possible to see the government's latest shift, in sending two Union Ministers to Pakistan this week to join Prime Minister Imran Khan for the ground-breaking ceremony for the Kartarpur corridor, as part of the larger pattern of softening towards the neighbourhood. No Indian Minister has visited Pakistan since the Uri attack in September 2016, and after the cancellation of Foreign Minister talks at the UN this year, it was assumed that the government would not pursue conciliatory proposals with the new government in Islamabad. It is also significant that the BJP and the Prime Minister have chosen not to make Pakistan an electoral issue in the current round of State elections, as they did during last year's Assembly polls. While it seems unlikely that the larger shift required for a Prime Ministerial visit to Pakistan for the SAARC summit is possible before elections next year, it is not inconceivable that people-to-people ties, of the kind

Mr. Modi spoke of in his speech comparing the transformative potential of the Kartarpur corridor to the falling of the Berlin wall, will be allowed to grow.

All these moves lead to the question, why has the government decided to make the change from playing big brother in the neighbourhood to a more genial and avuncular version of its previous self? One reason is certainly the backlash it received from some of its smallest neighbours like Nepal and the Maldives, that didn't take kindly to being strong-armed, even if New Delhi projected its advice to be in their best interests. Another could be the conscious rolling back of India's previous policy of dissuading neighbours from Chinese engagement to now standing back as they learn the risks of debt-traps and over-construction of infrastructure on their own. India's own rapprochement with China post-Wuhan in the spirit of channelling both "cooperation and competition together" has also led to this outcome.

Temporary or durable

It must be stressed, however, that retreating from an aggressive position must not give the impression that India is retrenching within the region, opening space for the U.S.-China rivalry to play out in its own backyard. The most obvious reason for the government's neighbourhood policy shift of 2018, that resounds closer to the "neighbourhood first" articulation of 2014, is that general elections are around the corner. This leads to the question, is the new policy simply a temporary move or a more permanent course correction: Neighbourhood 2.0 or merely Neighbourhood 1.2.0?

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Together in an uncertain world

The EU's road map for strengthening ties with India must be acted upon by both



HARSH V. PANT

Last week saw the European Union releasing its strategy on India after 14 years. Launching the strategy document, the European Union (EU) Ambassador to India, Tomasz Kozlowski, underlined that "India is on the top of the agenda of the EU in the field of external relations... this strategy paper reflects that EU has taken India's priorities very seriously. We are ready for a joint leap." The 2004 EU-India declaration on building bilateral strategic partnership, which this road map replaces, has not had much of a success in reconfiguring the relationship as was expected.

Transformative shift

The new document is sweeping in its scope and lays out a road map for strengthening the EU-India partnership, which has been adrift for a while in the absence of a clearly articulated strategy. The new strategy underscores a transformative shift in Brussels *vis-à-vis*

India and talks of key focus areas such as the need to conclude a broader Strategic Partnership Agreement, intensifying dialogue on Afghanistan and Central Asia, strengthening technical cooperation on fighting terrorism, and countering radicalisation, violent extremism and terrorist financing. More significant from the perspective of the EU, which has been traditionally shy of using its hard power tools, is a recognition of the need to develop defence and security cooperation with India.

Despite sharing a congruence of values and democratic ideals, India and the EU have both struggled to build a partnership that can be instrumental in shaping the geopolitics and geoeconomics of the 21st century. Each complain of the other's ignorance, and often arrogance, and both have their own litany of grievances.

But where India's relations with individual EU nations have progressed dramatically over the last few years and the EU's focus on India has grown, it has become imperative for the two to give each other a serious look. In this age when U.S. President Donald Trump is upending the global liberal order so dear to the Europeans, and China's rise is challenging the very values which Brussels



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likes to showcase as the ones underpinning global stability, a substantive engagement with India is a natural corollary.

Delhi's overture

The Narendra Modi government too has shed India's diffidence of the past in engaging with the West. New Delhi has found the bureaucratic maze of Brussels rather difficult to navigate and in the process ignored the EU as a collective. At times, India also objected to the high moralistic tone emanating from Brussels. Where individual nations of the EU started becoming more pragmatic in their engagement with India, Brussels continued to be big-brotherly in its attitude on political issues and ignorant of the geostrategic imperatives of Indian foreign and security policies.

The result was a limited part-

nership which largely remained confined to economics and trade. Even as the EU emerged as India's largest trading partner and biggest foreign investor, the relationship remained devoid of any strategic content. Though the Modi government did initially make a push for reviving the talks on EU-India bilateral trade and investment agreement, nothing much of substance has happened on the bilateral front.

But as the wider EU political landscape evolves after Brexit, and India seeks to manage the turbulent geopolitics in Eurasia and the Indo-Pacific, both recognise the importance of engaging each other. There is a new push in Brussels to emerge as a geopolitical actor of some significance and India is a natural partner in many respects. There is widespread disappointment with the trajectory of China's evolution and the Trump administration's disdain for its Western allies is highly disruptive. At a time when India's horizons are widening beyond South Asia and the Indian Ocean region, Brussels is also being forced to look beyond its periphery. The EU will be part of the International Solar Alliance, and has invited India to escort World Food Programme vessels to transport food to Soma-

lia. The two have been coordinating closely on regional issues.

Taking it forward

The new India strategy document unveiled by the EU, therefore, comes at an appropriate time when both have to seriously recalibrate their partnership. Merely reiterating that India and the EU are "natural partners" is not enough, and the areas outlined in the document, from security sector cooperation to countering terrorism and regional security, need to be focussed on. India needs resources and expertise from the EU for its various priority areas, such as cybersecurity, urbanisation, environmental regeneration, and skill development.

As the EU shifts its focus to India, New Delhi should heartily reciprocate this outreach. In the past, India had complained that Brussels does not take India seriously and that despite the two not having any ideological affinity, the EU-China relations carried greater traction. Now all that might change.

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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.

Giving peace a chance

It is sweet to hear the Prime Minister of Pakistan, Imran Khan, reiterating that it is not in Pakistan's interest that its soil be used for terrorism against others and that both India and Pakistan should bury the past. At the same time, not talking about renouncing terror and harping on Kashmir means that in the end we are back to square one. The Kartarpur corridor issue has been pending for quite a while now and may not be able to create much of an impact in terms of bringing India and Pakistan closer due to the divergent views the two countries have on Kashmir. Mr. Khan's sincerity is not in doubt but he has to do a lot of homework before Pakistan can even think of a dialogue with India (Page 1, "Imran looks for a fresh start", November 30).

K.R. SRINIVASAN,
Secunderabad

■ Mr. Khan's utterances are nothing short of a well-

orchestrated drama that is motivated by domestic compulsions. This is to help Pakistan gain much needed international acceptance. India should not fall into his trap. Sustained diplomatic, economic and military pressure is essential to make Pakistan accept our terms.

GOKUL RAJ G.,
Alappuzha, Kerala

■ If Mr. Khan is really after exploring peace with India, he should first lay the foundation or submit a pragmatic road map to India on the basis of a written assurance that his government will immediately stop cross-border terrorism and bring to book those associated with 26/11 who are roaming free in his country. This should serve as a valid and powerful supporting document for us, to be presented in any global platform in case there is a breach of commitment or a violation in principle noticed on their side. Pakistan's strength lies in fostering cross-border terrorism and

allowing the Kashmir issue to simmer till a resolution in its favour is reached. If he is hoping for change after the general election in India, he should remember that polls are always unpredictable.

N. VISVESWARAN,
Chennai

■ From Zulfikar Ali Bhutto to Benazir Bhutto, and Perverz Musharraf to Nawaz Sharif, every Pakistan ruler has offered to start afresh. But we are back to square one even after 70 years. Now, Mr. Khan looks for a fresh start. Though the shadow of mistrust hangs over any attempt at peace, I feel no opportunity should be wasted. Maybe he is serious about exploring peace. History has taught us that by being firm on commitment peace is possible one day. We should accept and negotiate, but in a hard manner.

T. ANAND RAJ,
Chennai

■ Rather than politicising the issue of the Kartarpur

corridor, the Indian government and other political parties need to act diplomatically and engage Pakistan in useful talks. Since the election of Mr. Khan, there has been a change for the better in the attitude of Pakistan. Mr. Khan may not be incorrect in saying that he cannot be held responsible for acts of the past. With a friendly leader in place, India should make the best use of the opportunity.

VIKKRAM PHOGAT,
Bhiwani, Haryana

'Sharp Eye' in the sky
At a time when the media continues to be dominated by murky politics, the successful launch of the Polar Satellite Launch Vehicle, or PSLV-C43, carrying the Hyper Spectral Imaging Satellite and 30 other foreign commercial satellites comes as a refreshing change ("ISRO puts 'Sharp Eye' into orbit", November 30). ISRO and its team of scientists are synonymous with hard work, perseverance and team

spirit. The Indian space programme only seems to be going higher.

B. SURESH KUMAR,
Coimbatore

School bag burden

The Ministry of Human Resource Development's guidelines to lessen the heavy weight of school bags and books that little ones have to carry everyday is necessary. Bags are often heavier than the weight of the child and have been shown to cause health issues. The fact is that educational boards compete with each other in increasing the subject load. As a result, children end up carrying more books.

M. PRADYU THALIKAVU,
Kannur, Kerala

Every morning, I watch schoolchildren walking to school weighed down by heavy school bags. Do schools and governments even care about them? Schools can provide bookshelves to every student and the government can also

provide the necessary monetary aid for this. Schools can also change their academic schedule in such a manner that they divide weekdays according to the subjects so that instead of carrying all books, a student can use only three to four books on a particular day. There has to be an innovative solution or we might find schools being the place of least interest for children of the next generation.

DEEPAK JORWAL,
New Delhi

Women's cricket

Casting aspersions on a senior cricketer such as Mithali Raj is certainly not in the best interests of Indian women's cricket. Her record across all formats speaks volumes of her commitment to the team's cause. A better way could have been found to sort out the issue rather than create an unpleasant situation.

C.M. UMANATH,
Kozhikode

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