



Climate for action

India's call for solid steps on climate change must be matched by domestic measures

Prime Minister Narendra Modi's assertive stance on the need for all countries to walk the talk on climate change action is to be welcomed as a signal of India's own determination to align domestic policy with its international commitments. Mr. Modi's comments at the UN Climate Action Summit in New York have turned the spotlight on not just the national contributions pledged under the Paris Agreement of the UN Framework Convention on Climate Change (UNFCCC), but also the possibility of India declaring enhanced ambition on cutting greenhouse gas emissions under the pact next year. Several aspects place the country in the unenviable position of having to reconcile conflicting imperatives: along with a declared programme of scaling up electricity from renewable sources to 175 GW by 2022 and even to 450 GW later, there is a parallel emphasis on expanding coal-based generation to meet peaks of demand that cannot be met by solar and wind power. The irony of the Prime Minister telling the international community in Houston that his government had opened up coal mining to 100% foreign direct investment was not lost on climate activists campaigning for a ban on new coal plants and divesting of shares in coal companies. No less challenging is a substantial transition to electric mobility, beginning with commercial and public transport, although it would have multiple benefits, not the least of which is cleaner air and reduced expenditure on oil imports.

Advancing the national climate agenda in the spirit of Mr. Modi's action-over-words idiom requires the Central government to come up with a strong domestic action plan. The existing internal framework, the National Action Plan on Climate Change (NAPCC) is more than a decade old. It lacks the legal foundation to incorporate the key national commitment under the Paris Agreement: to reduce the emissions intensity of economic growth by a third, by 2030. Without an update to the NAPCC and its mission-mode programmes, and legislation approved by States for new green norms governing buildings, transport, agriculture, water use and so on, it will be impossible to make a case for major climate finance under the UNFCCC. It is equally urgent to arrive at a funding plan for all States to help communities adapt to more frequent climate-linked disasters such as cyclones, floods and droughts. There is, no doubt, wide support for India's position that it cannot be held responsible for the stock of atmospheric carbon dioxide influencing the climate; even today, per capita emissions remain below the global average. Paradoxically, the country is a victim of climate events on the one hand and a major emitter of GHGs in absolute terms on the other. In New York, Mr. Modi chose to rely on the country's culture of environmentalism to reassure the international community on its ability to act. In coming years, national actions will have to be demonstrably effective in curbing carbon emissions.

Balakot Redux

Evidently, the strike on terrorists in Pakistan did not have a lasting impact

Army chief Bipin Rawat's revelation at the Officers Training Academy in Chennai that the terrorist camp in Balakot has begun functioning again is a deeply worrying development on several counts. It was barely seven months ago, in February, that the Air Force bombed Balakot and claimed to have taken out about 300 terrorists being trained there. That action was sold as being a pre-emptive one, and at the same time as a punitive response for the Pulwama attack which killed 40 CRPF personnel earlier that month. Though the Army Chief paraded this information on resumption of Balakot camp's activities as yet more conclusive proof that the air force strike had put that terrorist camp out of business for the intervening months, it really comes across as an action that has not had any of the intended effects the planners had hoped for, not one. Indeed, it seems to have had the opposite effect. Evidently, the Jaish-e-Mohammed, though a banned entity, continues to operate with impunity. This underlines the reality that replenishing the numbers of terrorists who are taken out of reckoning is not a challenge for Pakistan's establishment. That things have been turned around in less than seven months opens the door to more questions about the much touted efficacy of the strike as well. Certainly, the development does not increase the Indian people's confidence that the Balakot strike has somehow frightened terrorists and their patrons in Pakistan into demoralised disarray. Far from it. Gen. Rawat said that there were 500 terrorists ready to infiltrate into Kashmir, and that to counter those attempts the Army had "thickened" its presence along the Line of Control. This is possibly in addition to the troops that were sent into Jammu and Kashmir to strengthen the security grid ahead of the moves on Article 370 and Article 35A, after which the State has been in a lockdown. The longer the clampdown lasts, the longer the soldiers remain deployed on trigger fingers, the more the accretion of belligerence continues on either side of the LoC.

The Army chief has chosen to provide this information ahead of Prime Minister Narendra Modi's bilateral meeting with American President Donald Trump, ahead of the Prime Minister's address to the United Nations General Assembly. The hope is once all the grandstanding is done, saner counsel will prevail and steps taken to guide both Kashmir and the bilateral relations with Pakistan to a space where they can be better managed bilaterally. Unfortunately, with about a month to go for elections in Haryana and Maharashtra, this may not turn out to be the case.

Another chance in Afghanistan

Donald Trump's calling off Taliban peace talks is to India's advantage; an outreach to the outfit could secure it



HAPPYMON JACOB

It is perhaps for the best that the U.S.-Taliban talks were called off earlier this month. The Taliban leadership's proposed visit to Camp David in the United States would have led to a slew of significant geopolitical changes with implications for the region and beyond.

Perhaps the Taliban became far too greedy and impatient, or the U.S. President has pulled out what he thinks is the Trump card to gain a negotiating advantage especially given that the American establishment is not too happy with the deal. There were misgivings about the deal that the chief U.S. negotiator to Afghanistan, Zalmay Khalilzad, was about to ink with the Taliban.

Back to square one

The Taliban, having fought against and displaced the powerful coalition forces over the past 18 years, has the luxury of time on its side, even as it is steadily increasing its political legitimacy within Afghanistan. Recall that this is not the first time U.S.-Taliban talks are breaking down, and every time the Americans have had to come around to negotiating again. Mr. Donald Trump on the other hand may not have the luxury of time. As for the international community, it has grown tired of the Afghan story.

In any case, we are back to another season of heavy fighting

in Afghanistan with devastating attacks being mounted by the Taliban far more frequently than before.

What implications does the cancellation of U.S.-Afghan talks have for the volatile South Asian region in general and for India in particular?

Implications for Afghanistan

The direct fallout of the American pullout from the negotiations is more bloodshed in the country. The gloves are now off (not that the Taliban was greatly restrained earlier) and the Taliban has already started carrying out major attacks with the American troops fighting back. However, the current dispensation in Afghanistan, led by President Ashraf Ghani, might not be too displeased with the outcome. The September 28 elections are likely to go ahead, and Mr. Ghani has a chance to continue as President without having to share power with the Taliban – a prospect Kabul has been uneasy about for a long time – to the extent that he actively discouraged all talks with the Taliban that did not involve Kabul. The Ghani government will also be pleased with the fact that U.S. troops are likely to continue in the country, for if left alone the government will not survive long.

The larger question that should concern the Afghan people is whether the Taliban is a changed lot or not. The Taliban has been making direct and indirect assertions about how they are a much evolved group on the question of girls' education, treatment of women and minorities, among others. But these are claims at best and that is precisely why a deal with the Taliban should include



commitments on its domestic behaviour.

What it means for India

Even with a properly negotiated deal, the ascent of the Taliban in Afghanistan would have meant a certain amount of regional uncertainty and geopolitical recalibration. Pakistan, for instance, has been counting on the return of the Taliban in Afghanistan which it deeply believes gives it strategic depth vis-à-vis India. Pakistani triumphalism in the context of Afghanistan would have meant pinpricks for India. Now that there is no deal between the Taliban and the U.S., there is likely to be more violence internally within Afghanistan while the external implications would be more or less contained. This calculus might change if and when the Taliban returns to power and foreign troops withdraw.

India's best bet in Afghanistan would be a negotiated withdrawal of foreign troops from Afghanistan, for this would check the Taliban's proclivity to engage in trouble-making outside Afghan territory.

A non-negotiated withdrawal of U.S. forces would be the worst-case scenario for India even

though that is unlikely to happen. This will mean little check on the Taliban's behaviour at home and in the neighbourhood. It will also enhance Pakistan's ability to control elements of the Taliban for tactical or strategic anti-Indian uses.

Once the Taliban returns to power in Afghanistan, on its own or as part of a power-sharing arrangement, Indian civilian assets and interests in Afghanistan could come under increased pressure. Today, with the Pakistani side up in arms against India, thanks to New Delhi's Kashmir decision, the possibility of the Taliban going against Indian interests is much higher, if we were to assume Pakistan to be a major influence on the Taliban's actions.

The Kashmir question

Kashmir in many ways will continue to be at the centre of how the emerging geopolitical situation in Afghanistan will impact India. While it is true that a repeat of the late 1980s, when scores of unemployed Afghan fighters turned up in Kashmir at the behest of the Pakistani agencies, is unlikely to happen today for a number of reasons, including due to physical barriers and the amassing of Indian troops on the border, some presence of the Taliban fighters cannot be ruled out. More significantly, however, if a non-negotiated withdrawal of the U.S. forces takes place, it could lead to an open season for Taliban's regional engagement which could potentially be influenced by Pakistan's strategic calculations. Even if there is a deal between the U.S. and the Taliban, the fact that the Taliban will have "forced" the Americans out of Afghanistan would provide

a shot in the arm to Pakistan, and young Kashmiris who are willing to take up arms against the Indian state. "If a superpower like the U.S. can be pushed out of Afghanistan by the Taliban with help from Pakistan, would it be too difficult to beat India?" is the argument doing the rounds among sections of aggrieved Kashmiri youth.

The manner in which talks between the Taliban and the U.S., were being conducted would have led to negative consequences for New Delhi. To that extent, the breakdown of the Trump-Taliban talks is advantage India. The U.S. and the international community, while picking up the threads of negotiations in the days ahead, will need to ensure that there are enough guarantees built into a deal to disincentivise undesirable external behaviour by the Taliban.

India, on its part, needs to reach out to the Taliban, not to recognise it but to engage with it, in its own national interest. In fact, we are already pretty late in this game, and with the Chinese, Pakistanis and even the Russians converging on the importance of the return of the Taliban to the Afghan scheme of things, one wonders whether India will ever be able to make inroads into the higher echelons of the Taliban. In any case, any outreach from the Indian side would make the government in Kabul led by Mr. Ghani, unhappy. This leaves India in a difficult situation. Hence, such an outreach will also need to be carefully calibrated and discreetly executed.

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Defeated, discredited and diminished

The British Supreme Court's calling out of PM Johnson's decision to prorogue Parliament is a constitutional earthquake



KARAN THAPAR

Unanimous decision of all 11 judges of the British Supreme Court – the largest constitutional bench possible – has declared Boris Johnson's decision to prorogue the British Parliament "unlawful, void and of no effect". The order of the Privy Council to prorogue, which was based on Mr. Johnson's advice to the Queen, has been "quashed". The outcome is that "Parliament has not been prorogued". It never happened.

This is a constitutional earthquake which will rattle the British government and has led to strident demands for the Prime Minister, Mr. Johnson's resignation. When he returns from New York, where he is attending the UN General Assembly's annual session, he may find he is forced to resign. The court did not inquire into whether his advice to the Queen was misleading – i.e. a lie – but it has, nonetheless, left him defeated, discredited and diminished.

The case touched on the powers of all the key institutions of Britain's unwritten constitution. To start with, it defined the powers of Parliament versus those of the judi-

ciary. It also determined at what point the jurisdiction of the legislature ends and that of the executive starts. Finally, it even touched upon the constitutional role of the Queen. As the BBC website put it: "Should the Palace have pushed Downing Street harder as to the reasons for the prorogation?" It is, therefore, hard to think of a more important judicial pronouncement in recent memory.

Judicial split

To understand just how seminal this ruling is, you need to first understand how the issue had split the British judiciary. Earlier two British High Courts had come to opposite conclusions. First, the High Court in London ruled that the Prime Minister's advice to prorogue is a political issue and, therefore, not justiciable. The courts cannot look into it. However, the Scottish High Court – more correctly known as the Inner House of the Court of Session – took the opposite view. It ruled the Prime Minister's advice can be reviewed, not on ordinary judicial grounds of review but on fundamental constitutional principles. Parliament's role scrutinising government, which it called a central pillar of the British Constitution, is one such principle. Therefore, any advice motivated by an intention to stymie Parliament is unlawful.

The government's defence at the Supreme Court rested on two broad arguments. First, the Prime



Minister did not mislead the Queen. Furthermore, since no one other than Mr. Johnson and the Queen know what he said to her, how can a court hold he misled her? Second, even if he is alleged to have done so, prorogation is a political issue and a Prime Minister's political decisions cannot be questioned by the courts.

Now, in addressing and judging these issues, the court, in effect, reduced them to three key questions. As Lady Hale, the president of the Supreme Court, explained whilst reading the summary judgment, they go to the very heart of the issues at stake. First and foremost, is the advice to prorogue justiciable? The court concluded it is. The judges next addressed whether the prerogative of a prime minister can be inquired into and, again, concluded that it can be challenged on the grounds of its limits. This led to a third question: can the Executive use its prerogative to stop Parliament making laws by exercising that prerogative

to determine how long Parliament can function?

It was the answer to this third question that led to the unanimous decision of all 11 judges to declare the prorogation unlawful. The judges decided that the power to prorogue is limited by its effect on the rest of the Constitution. In this case it "prevented parliament from carrying out its constitutional role". Distinguishing between prorogation and a recess, the Supreme Court said that the former meant Parliament cannot "meet debate or question ministers". Its conclusion was blunt: "the effect on the fundamentals of our democracy was extreme".

A somewhat technical second defence from the Prime Minister was also swiftly dismissed. The argument that the need for a Queen's speech to set out new legislation justified prorogation was almost scoffed at. As Lady Hale put it, four to six days should be sufficient for that purpose, not a prorogation of five weeks.

The outcome is striking. Prorogation never happened. The Speaker of the House of Commons and the Lord Speaker must decide what happens next. There is no need for the Prime Minister to do anything. The clock has wound back to the moment before prorogation was ordered.

The road ahead

Finally, where does this leave Boris Johnson? In a place where no

British Prime Minister has been put for at least a hundred years. He may well find that his first call on his return from America is to Buckingham Palace to hand in his resignation. If that happens his sole distinction will be to have served as Britain's shortest-lived Prime Minister.

Up until the Supreme Court delivered its judgment, Mr. Johnson had suggested he would not resign if his prorogation was declared unlawful. But that was before the stinging humiliation of all 11 judges quashing it. No one had predicted such a strong and decisive verdict. For the Prime Minister to carry on as if nothing has happened is likely to be unacceptable to many in his Conservative Party if not also to the British people.

Earlier his office and his lawyers had suggested that if prorogation was struck down, the Prime Minister might prorogue a second time but on different – and, presumably, lawful – grounds. That is still a possibility but it increasingly feels politically mistaken. It would seem to place a humiliated Prime Minister in defiance of the Supreme Court. That is unlikely to appeal to British voters.

Quietly leaving office after his party has quickly found a successor may be the wisest course for Boris Johnson. It also could be least damaging for his Tory party and the Brexit cause.

Karan Thapar is a television anchor

LETTERS TO THE EDITOR

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Common utility card

The idea of "1 card for all utilities" (Page 1, September 24) is a well-thought-out plan but is limited to the extent in its advantage: that it cuts the need for a person to carry different identity cards to suit different occasions. If the plan materialises in action, it is bound to have legal ramifications apart from the expenditure involved; this will be a contentious issue in the public domain that will have to be countered by the government in Parliament. The passage of the Aadhaar card was not smooth and one must not forget that. The new card idea being one mooted by the Home Minister Amit Shah is unique as an idea but could open a Pandora's box as and when it takes concrete shape.

N. VISVESWARAN,
Chennai

■ The very idea of one card for all utilities is absurd. The ruling party, the Bharatiya Janata Party, should come out of its "one" mania" such as one nation, one language, one ration card. There is already the Aadhaar card which is linked to our bank accounts and PAN number. The issue is when there is a single card that holds all vital details, what happens when the system is compromised? It would place the individual at great risk. There is no issue at all in having different cards on one's person. Let the government leave this suggestion and concentrate on strengthening the economy.

T. ANAND RAJ,
Chennai

■ With the central agencies possessing superpowers to venture into an individual's personal computer, this card would only make their work easier. Also cases of cyber

threats and digital frauds may witness an unprecedented rise. Intruders would have only one gate to breach and make away with lots of data. Before even thinking of such a card the officials must ensure that it is a locker that is unbreakable.

DEVANAND VYAS,
Bhopal, Madhya Pradesh

■ Mr. Shah's suggestion once again raises the question of data security and data privacy in our country. Having all data under one umbrella will only make it more vulnerable to data theft and misuse. Aadhaar is a prime example. The government should first ensure strong and solid privacy and data laws before even thinking of such extravagant "digital India" ideas. Due cognisance and time should be devoted to these issues and they should not be implemented hastily

like the recent and controversial National Register of Citizens.

NAVEEN RAJA,
Samba, Jammu and Kashmir

■ The idea, if made a reality, is likely to cause many hardships in a number of instances, examples being the card getting lost, stolen, damaged, misplaced, a delay in data updation, digital contingencies such as hacking of data, server down, network failure, etc. Perhaps brainstorming among various segments such as officials, the common man, political parties, industrialists and entrepreneurs will help fine-tune the idea.

JJI PANICKER K.,
Chengannur, Kerala

■ The idea is a smart one. However, it has come rather late in the day. People have already wasted and are still wasting lots of time standing

in the queues in order to get Aadhaar, Electors Photo Identity Card and ration card. A new multipurpose card would again mean that people have to spend more time once again standing in queues. Time is something that is not considered important in India and it is assumed that people can afford to waste time without a limit. How much time was wasted, for instance by crores in front of banks for days in order to obtain measly amounts following demonetisation?

K.R. JAYAPRAKASH RAO,
Mysuru

■ It would be a really great idea to have single multipurpose ID card which would be of huge convenience. Officials must take care, however that 'one card must mean one card'. It should not become just another card among the plethora of existing cards as

it happened in the case of the Aadhaar card.

ANSHUL MITTAL,
Mansa, Punjab

Balakot camp

It is apparent that Pakistan has not learnt any lesson from the damage being caused to its reputation as a nation in support of terrorism (Page 1, "Rawat hints at stronger action as Pak. revives Balakot camp", September 24). The revelation about the camp indicates the mind of Pakistan's military establishment and the helplessness of the country's Prime Minister. Our neighbour seems intent on being an irritant at all times. It is in Pakistan's interest to shed its current policy and join the group of peaceful nations.

DUGGARAJU SRINIVASA RAO,
Vijayawada, Andhra Pradesh

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