



Positive climate

Engagement with the U.S. should help India expand mitigation, adaptation action

India's front-line position as third highest emitter of greenhouse gases has sharpened focus on its future policy course to mitigate carbon emissions under the Paris Agreement. It has an irrefutable claim to a big part of the remaining global carbon budget, along with other smaller nations with low historical emissions, but room for manoeuvring has shrunk in a world facing record temperatures and calamitous weather events. There is escalating pressure for India to commit itself to a date when it can achieve net zero – removing as much GHGs as it emits – on the lines of the goal set by the U.S. and the European Union for mid-century, and 2060 by China. Declaring a net zero plan under the Paris pact is a disquieting prospect since it would impose expensive choices, particularly in energy production. That conundrum has been addressed, at least partially, by visiting U.S. Special Presidential Envoy for Climate John Kerry, with the promise of financing and technology to make renewable energy the core of future development. Specific areas of cooperation to bring down emissions – and facilitating funding for 450 GW of renewable energy by 2030 can advance the India-U.S. Climate and Clean Energy Agenda 2030 Partnership. More clarity on the bilateral road map towards emissions reduction may come at the COP26 conference in November. India, meanwhile, needs to get all States to mitigate emissions and help them adapt to climate-linked extreme weather and atmospheric pollution caused by fossil fuels.

At the end of 2020, a year marked by COVID-19 and many destructive storms, the Union Environment Ministry declared that the country had achieved 21% of its 33%-35% target to cut emissions intensity of GDP by 2030, and, similarly, was generating 37.9% of the 40% of power from renewables. Though encouraging, the immediate challenge lies in coming up with an adaptation framework to help those at highest risk – the millions living in the path of annual cyclones, including residents of populous coastal cities. Raising the ability of city administrations to handle tens of millions of litres of water regularly dumped in just a few days requires planning, funding and political commitment. Making low-cost insurance available for houses against climate-related losses will raise resilience, and lead to audits, encouraging governments to reduce risks. The Paris Agreement can easily fund much-needed urban retrofitting and boost employment. There is also a health imperative. Heat stress has a severe impact, causing higher mortality among the vulnerable elderly. These are growing problems, but they also represent an opportunity to steer post-COVID-19 policies towards benign, green development. For a low-emissions future, policies must put nature at the centre.

Cracking the whip

U.S. President Biden should not buckle to pressure from irate anti-vaccine campaigners

President Joe Biden's sweeping vaccine mandates, aimed at improving the U.S.'s odds of beating the rampaging Delta variant, represent a bold move in the face of the ongoing "pandemic of the unvaccinated". On the one hand, his plan is based on leveraging the power of the federal government to impose vaccine mandates wherever its fiscal heft allows, including for workers at health-care organisations receiving public funds, and for federal government employees and contractors. On the other, the White House's requirement that all companies employing 100 or more people must vaccinate their workforce or obtain COVID-19 negative tests from unvaccinated employees each week represents the willingness to bring the pandemic battle to the doorstep of America Inc. Even as the U.S. has succeeded in vaccinating around 175 million individuals, nearly 75% of those eligible, it still leaves nearly 80 million from that group unprotected. It is primarily patients from this latter group who are causing hospital ICUs in several States to be overrun. Nevertheless, Mr. Biden's mandates will impact around 100 million people, nearly two-thirds of the American workforce. While some, especially in conservative circles, have decried the vaccine mandates as violative of liberties, there are likely few alternative options for the U.S. at this point.

Why then is Mr. Biden's approval rating for his handling of the pandemic crisis slipping? To an extent it might be explained by the fact that Americans are deeply suspicious of federal government policies of an expansive nature, even in the present context. Relatedly, there is perhaps deepening concern regarding the impact that the vaccine mandates might have on business, large and small. For example, the new "emergency temporary standard" of the U.S. Department of Labor requires large employers to give workers paid leave to get vaccinated; failure to do so may result in "enforcement actions", potentially including fines up to \$14,000 per violation. Similarly, federal government employees are now given 75 days to get vaccinated or risk getting fired. There are discussions in policy circles on invoking the Defense Production Act, a wartime measure, to compel companies to manufacture and accelerate the production of rapid COVID-19 tests. Larger entertainment venues must now ask for proof of vaccination or negative tests of patrons; and fines for passengers violating mask rules on aircraft will now be doubled. These are all measures that will impact, even distort, market behaviour, and potentially hit the bottom lines of corporations, but may be a necessary price to pay to bring the catastrophic march of the Delta variant under some control. Mr. Biden will have to grit his teeth and see the mandates through, not buckle to pressure from irate anti-vaccine campaigners and a fuming Wall Street.

Afghanistan – the shape of things to come

The Taliban regime has defined itself narrowly and India's game plan will have to evolve as the situation unfolds



JAYANT PRASAD

The new Taliban regime and its mentors in Pakistan require considerable luck to govern Afghanistan successfully. This will not be as easy as their rapid military victories. The regime has defined itself narrowly, and its embrace of extremist personalities does not inspire confidence with either the Afghan people or the international community. Afghanistan is a diverse, independence-loving country, proud of its inheritance and sovereignty. Its spirit has always been republican. Efforts to control it from the outside have failed invariably.

The Pakistan connection

Pakistan nurtured and shaped the Taliban. It has been no surprise, therefore, that the Pakistan Army's logistics and advice aided the Taliban's march to Kabul. Pakistan's special forces, attack helicopters, and drones were crucial in tipping the balance against the National Resistance Front in Panjshir. The head of the Pakistan Army's Inter-Services Intelligence (ISI), Lieutenant General Faiz Hameed, visited Kabul in the full glare of publicity to underline Pakistan's ownership of the Taliban's ascent in Afghanistan, inviting spontaneous protests across Afghanistan.

Lt. Gen. Hameed achieved two out of his three objectives: to ensure that the newly formed Taliban government included proxies of Pakistan, including four members of the Haqqani Network that is close to the ISI, and that Mullah Abdul Ghani Baradar, the Taliban's most benign face and former front-runner for the job of head of

government, did not get that position (amid rumours on social media of his death, he has released an audio statement saying that he is alive). While Lt. Gen. Hameed may have achieved Pakistan's goal of keeping Mullah Baradar out of policy-making in Afghanistan, by sidelining him and promoting the interests of the Haqqani Network, the resulting all-male and Pushtun-dominated Taliban government will make it harder for Pakistan to solicit international recognition and assistance for the fledgling government.

In fact, the Taliban government is a veritable who's who of terrorism. Many of its members feature on the terrorist list of the United Nations 1267 Sanctions Committee and the European Union's list of terrorists subject to restrictive measures. The detention centre of the United States, in Guantanamo Bay, created a sense of solidarity amongst the Taliban leaders incarcerated there, four of whom are now in senior positions within the Taliban cabinet. The new Interior Minister, Khalifa Sirajuddin Haqqani, head of the Haqqani Network, has an unrevoked Rewards For Justice Program, United States Department of State bounty of \$10 million on him, while his uncle, the Refugee and Repatriation Minister, Khalil-ur-Rahman Haqqani, earlier nominated as Kabul's security chief, has a bounty of \$5 million. The Haqqani Network was responsible for the bombing of the Indian Embassy in Kabul in July 2008, killing India's Defence Attaché and its Political Counsellor.

Unresolved factionalism

The Taliban's politics are characterised by intense factionalism and a lack of consensus. The Taliban spokesperson, Zabihullah Mujahid, describes the Taliban government as an interim one, perhaps to signal hope for a more accommodative regime in the fu-



ture. This is unlikely, as indeed are any concessions for the participation of women in governance or the restitution of human rights. Mujahid spoke of protecting the rights of minorities and the underprivileged. Yet, there is not a single woman or a Hazara in the Taliban cabinet, which is packed with hardliners.

The intense partisan rivalries and manoeuvring for the division of spoils were visible from the manner that the forces of different Taliban factions raced to occupy important vantage points in Kabul. The respective heads of the Taliban's military commissions in eastern and western Afghanistan, Qayyum Zakir and Sadr Ibrahim, occupied the defence and interior ministries. They were quickly named the acting defence and interior ministers. This has since been overturned. The new defence minister is Maulawi Yaqoob, the son of the Taliban's former Ameer-ul-Momineen, Mullah Omar. Khalifa Siraj as the new interior minister has oversight over the appointment of governors. Mullah Baradar has been neutralised by appointing two other Kandaharis: Mullah Mohammad Hassan Akhund as head of government, and Amir Khan Muttaqi as foreign minister.

The existential situation

In his first statement after being named Afghanistan's new Ameer-ul-Momineen, Mullah Haibatullah Akhundzada made a qualified commitment to upholding inter-

national laws – only those "not in conflict with Islamic law and the country's national values". While the Taliban will continue to repeat their assurances about disallowing the use of its territory against the security interests of any other nation, they are unlikely to sever their ties with al Qaeda and other terrorist organisations.

Afghanistan will remain riddled with crisis. An immediate challenge for the Taliban will be reinventing their younger commanders and fighters, with the danger that disgruntled elements amongst them might join hands with the Islamic State Khorasan (IS-K) or Daesh. Since all the Islamist terrorist organisations are ideologically and organisationally enmeshed with one another, another problem would be controlling other terrorist groups converging towards Afghanistan as their haven. There has already been a noticeable spurt in Tehrik-e-Taliban Pakistan (or the Pakistan Taliban) attacks in Pakistan.

There will be sporadic uprisings and violent repression in Afghanistan. Given the make-up of the leadership of the Taliban and their ideological moorings, they are likely to continue political and military consolidation, unmindful that over time this could trigger external support for the resistance. Should there be fragmentation within its ranks, the Taliban regime will be tested sooner.

Another challenge for the Taliban regime is the simmering resentment against it. Leader of the National Resistance Front of Afghanistan Ahmad Massoud's recent appeal to all Afghans to resist the imposition of "a servile and subjugated future" and rise in support of the defence of the Afghan republic resulted in demonstrations in several cities, with mainly women in the lead. Even though these dissipated in the face of the harsh repression that followed,

the anti-Pakistan and pro-republican sentiment expressed vociferously in the protests put the Taliban regime on the back foot.

Afghanistan faces frozen reserves, the absence of banking services and liquidity, rising prices of food, medicines, and other essentials, currency depreciation, unemployment, and the collapse of services and construction. There is no money for public finance or administration – no prospect of salaries for government workers – as 80% of Afghanistan's last approved annual budget of \$5.5 billion was funded by external aid.

New Delhi's response

Given the uncertainties, India's game plan will have to evolve as the situation unfolds, which is not a call for strategic restraint or masterly inactivity. For the present, India must abstain from granting recognition to the Taliban regime. India should hold it accountable to its publicly stated commitments concerning the right of Afghans and foreign nationals to leave Afghanistan in a safe, secure, and orderly way, and that Afghan territory will not be used to threaten or attack any country, encapsulated in the United Nations Security Council Resolution 2593 (UNSCR 2593), adopted during India's presidency of the Council. UNSCR 2593 also reaffirmed the importance of upholding human rights and encouraged all parties to seek an inclusive negotiated settlement. The logical step flowing from this would be for India to renege granting student and medical visas and temporary visas for those fearing persecution. Resuming its humanitarian and development assistance will have to await an enabling atmosphere allowing the Indian Embassy in Kabul and its consulates to function securely.

Jayant Prasad was India's Ambassador to Afghanistan from 2008 to 2010

Behind the great Indian Internet shutdown

The tag of the world's Internet shutdown capital stems from a lack of compliance with Supreme Court guidelines

TANMAY SINGH, ANANDITA MISHRA & KRISHNESH BAPAT

On January 10, 2020, the Supreme Court of India held that access to information via the Internet is a fundamental right under the Indian Constitution. This was in the case of *Anuradha Bhasin vs Union of India*, where the top court also ruled that any restriction on Internet access by the Government must be temporary, limited in scope, lawful, necessary and proportionate. The Court reiterated that the Government's orders restricting Internet access are subject to review by Courts.

The expectation was that this decision would limit the instances of Internet suspension to only those exceptional situations where there is a public emergency or a threat to public safety – the legislatively mandated prerequisites for restricting Internet access. Unfortunately, these promises have remained unfulfilled. The year following the decision, India saw more instances of Internet shutdown than the year preceding it. India's Internet restrictions also accounted for more than 70% of the total loss to the global economy in 2020, and India remains infamous as the Internet shutdown capital of the world.

Recent restrictions

As we write this, the Government of the Union Territory of Jammu and Kashmir (J&K) has restricted access to mobile data in the Valley of Kashmir. A few days ago, all Internet services had been shut down. These restrictions have been issued in the wake of the death of hardline separatist leader Syed Ali Shah Geelani. Similar restrictions have been ordered by the

government of Haryana in five different districts following farmers' protests that were organised there. While in these instances, the governments have published the orders restricting access, such publication remains an exception and not the rule despite the decision in *Anuradha Bhasin* (the Haryana orders are on social media but have not been uploaded on government websites).

According to an Internet shutdown tracker maintained by the Software Freedom Law Centre, in July and August, the government of J&K suspended Internet services on five separate occasions – in the districts of Baramulla, Pulwama and Shopian. The suspension orders for these instances have still not been uploaded on the government's websites. Even in May 2021, the government of J&K suspended Internet services on three occasions in these districts. In these instances, the orders were only published sometime in June 2021 after a significant delay. Although the J&K government is the most irrelevant about Internet restriction, they are not the only culprits. Compliance with *Anuradha Bhasin* remains low in other parts of India as well.

Erodes trust

The importance of the publication of Internet suspension orders cannot be understated. Those aggrieved with the restriction cannot approach a court of law to question an order's legality in the absence of the order. At best, if they do, the court may direct the Government to produce the order, but this will allow the Government to delay production of the order until after the restriction has subsided. This enables the Government to get away with illegal res-



GETTY IMAGES/ISTOCKPHOTO

trictions. This non-publication of orders also undermines public confidence in the Government. The Internet is a necessity in this day and age, and restrictions without publicly disclosed reasons create a trust deficit.

There is also a deficit because the Union Government has also not done enough to give statutory recognition to the directions in *Anuradha Bhasin*. In 2020, it amended the Telecom Suspension Rules, 2017 to limit Internet suspension orders to a maximum of 15 days. However, the amendment did not include an obligation on the Government to publish orders nor did it include the Supreme Court's direction to undertake periodic review of these orders.

Lack of awareness

As a result, the governmental non-compliance with the law is difficult to comprehend. One has to study the decision of the Supreme Court as opposed to simply looking at the rules to understand the obligations on the Government. The experience with Section 66A of the Information Technology Act has shown that if Supreme Court decisions are not statutorily recognised, the officials enforce the law incorrectly simply because of a lack of awareness. As an example, the State of Meghalaya in reply to

an RTI application stated that it was not even aware of the judgment in *Anuradha Bhasin* even though eight months had passed since the Supreme Court's pronouncement.

Wide-ranging impact

However, Internet suspension also remains a problem independent of non-compliance with the directions of the Supreme Court. In 2020, the Indian economy suffered losses to the tune of \$2.8 billion due to 129 separate instances of Internet suspension, which affected 10.3 million individuals. The Internet is a source of information, entertainment, health care, education, livelihood and a platform for the members of Indian society to interact with each other and the world at large.

The harm – economic, psychological, social, and journalistic – caused by such suspensions outweighs any speculative benefits. Internet suspensions ought to be imposed in times of emergency and not to stifle the democratic exercise of the right to protest. In those times, the Internet is a necessity to seek help.

Moreover, it is also a tool to verify rumours, and enables individuals and the Government to disseminate the truth. On September 2, the government of J&K restricted access to any form of communication on the ground that the 'provocative material on social media' could misguide the general public and result in a law and order situation.

A similar reason was stated to justify the Internet suspension in Karnal, Haryana. However, the Government will do well to recognise that offline rumours can also 'misguide the public', but the individuals will not have access to the In-

ternet to determine the veracity of those rumours independently.

Internet restrictions are often justified on the ground that they are limited to mobile data services. These contentions also miss the point. According to a 2019 Telecom Regulatory Authority of India (TRAI) report on Indian Telecom Services Performance Indicators, mobile device users (dongle and phone) constituted 97.02% of total Internet users. Only 3% of users have access to broadband Internet. These numbers are not likely to have changed significantly since then, since broadband Internet continues to be expensive. It follows from this that Internet restrictions also tend to adversely affect those from lower socio-economic backgrounds more.

Considering these issues, it is not surprising that the Supreme Court, in *Anuradha Bhasin*, permitted the Government to restrict Internet access only in limited circumstances. Parliament has also allowed these restrictions only in a public emergency or when there is a threat to public safety. Yet, to much dismay, Internet restrictions are much more common than desirable and cannot be challenged because of a lack of transparency. More faithful compliance with the Supreme Court guidelines on the part of the executive government is needed to rid ourselves of the tag of the "internet shutdown capital" of the world and fulfil Digital India's potential.

Tanmay Singh is the Litigation Counsel at the Internet Freedom Foundation. Anandita Mishra is the Associate Litigation Counsel at the Internet Freedom Foundation. Krishnesh Bapat is a CCG Digital Rights Fellow hosted at the Internet Freedom Foundation

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.

Pegasus case

The stand the Government continues to take on the Pegasus issue is unacceptable (Page 1, "SC to pass interim orders in Pegasus issue", September 14). Sowing the seeds of doubt in the minds of people on whether the Government is not telling the complete truth is the real security challenge.

HEMACHANDRA BASAPPA,
Bengaluru

■ National security should not be allowed to become a

pretext to practise cloak and dagger operations against citizens. The Government's rigid stand only shows its scant regard for democratic rights and the rule of law. Accountability and transparency are the hallmarks of a constitutional democracy. Popular expectation is that the top court will snub a government that snoops to conquer.

M. JAMEEL AHMED,
Mysuru

■ In the name of security, we are gradually becoming a

surveillance society. Using the subject of national security, the Government cannot conveniently refrain from disclosing the details of those citizens who were alleged to have come under surveillance. The Israeli firm is clear in saying that the software is for sale to governments alone, so if the authorities had no role in this, they should investigate and disclose who used this software without permission.

H.N. RAMAKRISHNA,
Bengaluru

Farewell column

In his weekly columns as the Readers' Editor, *The Hindu*, A.S. Panneerselvam educated us and made us understand what real journalism means and how difficult it is for a newspaper to be balanced and still survive after being forthright and honest. There can be no second opinion that on Mondays, most readers like me have turned to the OpEd page first the moment we received the daily. Readers will miss ASP.

THARCIOUS S. FERNANDO,
Chennai

Mental health and help

When it comes to addressing mental health, there is perhaps more awareness of help being at hand and a highlighting of reaching out to helplines. However, the experience is far from satisfactory. Even mental health apps such as "Wysa" and Netflix websites used by teenagers such as "wannatalkaboutit.com" list hotlines that do not even exist. One needs to look at China, where despite its population, it has a publicly funded mental health

To read more letters online, scan the QR code



programme. India needs to emulate this. Government helplines in particular need to offer a wider range of services. Students need to be made aware of the Aarogya helpline, the women's helpline and the child helpline, and in what situations to use them. Students will be quite confident to face problems that come their way.
ADA JAIN,
Bengaluru