

# LS passes Bills replacing colonial criminal laws

New laws are designed to last a century keeping technological advancements in mind, says Home Minister Amit Shah; Bills passed with a voice vote in the absence of a majority of Opposition members who are under suspension; terrorism included in a separate category; sedition law 'repealed'; mob lynching to invite capital punishment

**Vijaita Singh**  
NEW DELHI

The Lok Sabha on Wednesday passed three amended Bills that seek to repeal and replace criminal laws which date back to colonial times. This criminal law reform brings terrorism offences into a general crime law for the first time, drops the crime of sedition, and makes mob lynching punishable by death.

The Bharatiya Nyaya (Second) Sanhita Bill (BNSS) will replace the Indian Penal Code, 1860; the Bharatiya Sakshya (Second) Bill (BSS) will replace the Indian Evidence Act, 1872; and the Bharatiya Nagarik Suraksha (Second) Sanhita Bill (BNSSS) will replace the Code of Criminal Procedure, 1898. All three

were discussed and passed with a voice-vote, in the absence of the majority of Opposition members from INDIA bloc parties, as 97 of them have been suspended during this session.

**'Stressing justice'**  
Home Minister Amit Shah said that the three Bills stressed justice rather than punishment, and have been designed to last for the next century, keeping technological advancements in mind.

"This is a pure Indian law after removing all the British imprints. As long as we are in power, we cannot become a police State," he said.

Mr. Shah moved an amendment to the BNSS, which will exclude doctors from criminal prosecution

## New avatar

The Bills seek to replace the criminal laws that have been in force for more than a century in the country

NEW BILL	OLD LAW
■ Bharatiya Nyaya (Second) Sanhita Bill (BNSS)	■ Indian Penal Code, 1860
■ Bharatiya Sakshya (Second) Bill (BSS)	■ Indian Evidence Act, 1872
■ Bharatiya Nagarik Suraksha (Second) Sanhita Bill (BNSSS)	■ Code of Criminal Procedure, 1898



This is a pure Indian law after removing all the British imprints  
**AMIT SHAH**, Union Home Minister

for death due to medical negligence, and will make hit-and-run accident cases punishable by 10 years imprisonment.

Noting that more than one lakh people have been killed in terror attacks across the country over the

past 75 years, Mr. Shah said that the BNSS had, for the first time, defined terrorism and included it as a separate category in the general crime law.

"Some members pointed out that UAPA [the Unlawful Activities Preven-

tion Act] already exists. But in places where they were in power, they never invoked UAPA and those who committed acts of terrorism escaped under the provisions of general law," Mr. Shah said.

"We have shut the doors for such people to escape punishment by including terrorism in the criminal law. Terrorism is the biggest enemy of human rights. Such people should get the harshest of punishment. This is not Congress or British rule, how can you defend terrorists?" he asked.

Mr. Shah insisted that there was no scope for misuse of the terror provisions in the BNSS, but claimed that there was undue fear which made some Opposition MPs oppose the laws.

"I insist that this fear should persist. There should be no sympathy for people who commit terrorist acts," he said.

**Rajdroha vs deshdroha**  
The Home Minister said that sedition has been repealed in the new law. "We have replaced an individual with the country, *Rajdroha* (sedition or offence against the government) has been replaced with *deshdroha* (offence against the nation or country). Gandhi, Tilak, Patel all went to jail under this particular British law, yet it was never scrapped by the Opposition when they were in power. It continued all these years," he said.

"[AIMIM MP Asaduddin] Owaisi ji is thinking

that we have merely changed the name of sedition. I want to say that this is an independent country. Nobody will be sent to jail for criticising the government, but you cannot say anything against the country or do anything against the interests of the country. If you harm the flag or the property of the country, you will be sent to jail," Mr. Shah said.

Earlier, Mr. Owaisi said that the new laws would impact underprivileged communities the most. He pointed out that Clause 187 of the BNSS permits police custody of up to 90 days, as against the 15-day custody allowed till now.

**'UNIFORM JUSTICE SYSTEM'**  
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## New criminal Bills have provisions for time-bound probe, trial: Shah

**Vijaita Singh**  
NEW DELHI

Union Home Minister Amit Shah said in the Lok Sabha on Wednesday that after the implementation of the three new criminal Bills, there would be a uniform justice system throughout the country.

The Minister said the proposed laws were victim-centred and fixed the accountability of the police. He said an independent Director of Prosecution would be appointed at the district and State levels, where the role of the police would be advisory.

The Lok Sabha on Wednesday passed the Bharatiya Nyaya (Second) Sanhita Bill (BNSS), 2023; the Bharatiya Sakshya (Second) Bill (BSS), 2023; and the Bharatiya Nagarik Suraksha (Second) Sanhita (BNSSS) Bill, 2023.

The Bharatiya Nagarik



**All ears:** Union Home Minister Amit Shah speaks in the Lok Sabha during the Winter Session of Parliament on Wednesday. PTI

Suraksha (Second) Sanhita, which replaces the CrPC, prescribes a time-limit for the initiation of criminal proceedings, arrest, investigation, filing of chargesheet, and proceedings before the magistrate, which is aimed at speedy delivery of justice and a high conviction rate. Time-bound procedure has been added in 35 clauses of the law, Mr. Shah said.

The First Information Report (FIR) has to be registered within three days

after receiving a complaint and in cases with seven to 14 years of imprisonment, preliminary inquiry will have to be done within 14 days. The search and seizure report will have to be sent to court within 24 hours.

"Earlier, there was no time limit for medical examination of rape victims. Now, the medical report will be submitted to court within seven days," Mr. Shah said.

The Minister said char-

gesheets would have to be filed within 90 days and magistrates would have to take cognisance within 14 days and the framing of charges should be done within 60 days from the date of first hearing.

"Trial in absentia has been introduced for the first time. In many cases, such as the [1993] Bombay blast, accused are hiding in Pakistan. If they do not appear before the court for 90 days, the trial will be done in their absence. This will also expedite their deportation," Mr. Shah said.

The Bill has a provision that the promulgation of judgment should not exceed 45 days after the conclusion of trial in any criminal court.

It offers a transformative approach in reporting crimes through e-FIR, a move that will particularly benefit women, Mr. Shah said.

## Sahitya Akademi announces awards; *Requiem in Raga Janki* best English work

**The Hindu Bureau**  
NEW DELHI

Tamil author Rajasekaran (Devibharathi), Telugu writer T. Patanjali Sastry and Malayalam writer E.V. Ramakrishnan are among those named for the Sahitya Akademi awards for 2023.

Nine books of poetry, six novels, five short story collections, three essays and one literary study have won the awards. In the English language category, Neelum Saran Gour has been selected for her novel *Requiem in Raga Janki*, and in Hindi, writer Sanjeev has been named for his novel *Mujhe Pahachaano*.

The awards recommended by the jury in 24 languages were approved by the Executive Board of the Akademi at its meeting on Wednesday. Madhav

Kaushik, President of the Akademi, chaired the meeting. The awards are given to books first published during the five years immediately preceding the year of the award – that is between January 2017 and December 31, 2021.

Mr. Rajasekaran was chosen for his novel *Neervazhi Padoom*, Mr. Sastry for his short story collection *Rameshwaram Kaakulu Marikonni Kathalu*, and Mr. Ramakrishnan for his literary study *Malayala Novelinte Deshakalangal*.

Scholar Lakshmisha Tolpadi will get the award for his collection of essays *Mahabharatha Anusandhana-da Bharathayatre* in Kannada. Bengali author Swapnamay Chakrabarti will receive the award for his novel *Jaler Upar Pani*.

Among the authors who

**The award, including a copper plaque and ₹1 lakh prize money, will be presented on March 12, 2024.**

will receive the honour for their poetry collections are Vijay Verma in Dogri, Vinod Joshi in Gujarati, Manishoor Banihali in Kashmiri, Ashutosh Parida in Odia, and Arun Ranjan Mishra in Sanskrit.

The award, comprising an engraved copper plaque, a shawl, and ₹1 lakh in prize money, will be presented at a function on March 12, 2024.

The Akademi, founded on March 12, 1954, is an autonomous body under the Union Culture Ministry and is dedicated to the promotion of literature in Indian languages.

## Railway Academy to hand over assets to Gati Shakti varsity

**S. Vijay Kumar**  
CHENNAI

The Ministry of Railways has directed the National Academy of Indian Railways (NAIR), Vadodara, to hand over all its assets to Gati Shakti Vishwavidyalaya (GSV), a Central university envisioned by Prime Minister Narendra Modi.

The Railway Board on Monday said that keeping in view the significant progress made by GSV and to enable proper coordination and support from NAIR and other Central

Training Institutes, it had been decided that all infrastructure on the campus, including classrooms, faculty offices, laboratories, hostels, guest houses, auditoriums, security, and sports facilities, would be placed with GSV.

The NAIR was told that in case it wanted to conduct any approved training programme, necessary permission should be obtained from the Vice-Chancellor of GSV.

All future annual training calendar of the NAIR and CTIs should be planned in consultation

**Curtain down on the decades-old legacy of an apex training institute in Vadodara, say railway officers**

with GSV as the latter would have preference over the use of the facilities.

**Established in 1952**

Many serving and retired railway officers lament that it is curtain down on the rich legacy of the Indian Railway's decades-old apex training facility in Vadodara. Established in

1952, NAIR, erstwhile Railway Staff College, operates from the Pratap Vilas Palace in Vadodara over a 43.5-acre campus.

It imparts foundation and induction training programmes for Group-A officers who qualify in the Civil Services Examination and opt for a career in the railways. NAIR also provides foundation programme for Group-B officers and conducts refresher, skill upgradation and other mid-career training programmes for railway officers.

"Depriving NAIR of its specialised infrastructure

built over the years might impact the time-tested training protocols designed for railway officers. By taking over the assets of the premier training academy, the authorities concerned lost the opportunity of building from scratch a new world-class campus for GSV. Since it was inspired by the PM himself, there couldn't have been any constraint of funds and resources and an institute equipped with modern laboratories and test rigs could have been built instead of this shortcut of sacrificing the Railway Staff

College," said Shubranshu, former General Manager of Rail Wheel Plant, Bela.

Former Director-General of the Indian Railway Institute of Signal Engineering and Telecommunications, Secunderabad, S.K. Goel said the dismantling of NAIR could sabotage the entire system of imparting administrative training to railway officers.

"NAIR has played a key role in professionally enriching railway officers from their entry into service till superannuation," he said.



## India has a long way to go in eliminating child labour: report

**The Hindu Bureau**

NEW DELHI

The Parliamentary Standing Committee on Labour, headed by senior Biju Janata Dal (BJP) MP Bhartruhari Mahtab, tabled a detailed report on the implementation of the Centre's policy on child labour in Parliament on Wednesday.

The report, titled 'National Policy on Child Labour - An Assessment', states the country has a long way to go in eliminating child labour, and requires changes to the policies and laws that govern the issue. The 582-page report touches upon almost all aspects of the issue, and recommends various Ministries of the Centre and the States take coordinated steps to address it.

The panel has recommended that discrepancies in the criteria for determination of the age of the child in various Acts, as

well as the provisions of offence being cognisable/non-cognisable under the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986, and Juvenile Justice (Care and Protection of Children) Act, 2015 be examined to ensure they did not lead to any ambiguity or delay in securing justice for aggrieved children.

### **'Stricter punishments'**

The panel has also recommended stricter punishment in the form of cancellation of license, attachment of property, etc., needed to be incorporated to protect the interests of children.

The panel said the number of working children has decreased from 1.26 crore (as per 2001 census) to 1.01 crore (as per 2011 census), and the number of working children in the age group of five to 14 years has also decreased.

# Lok Sabha passes Telecom Bill 2023 to replace 138-year-old Telegraph Act

**The Hindu Bureau**  
NEW DELHI

The Lok Sabha on Wednesday passed the omnibus Telecom Bill, 2023, which will replace existing laws, including the 138-year-old Indian Telegraph Act.

The Bill seeks to reform and simplify the regulatory and licensing regime for telecommunications and remove bottlenecks in creating telecom infrastructure. It also allows the government to temporarily take control of telecom services in the interest of national security and provide a non-auction route for the allocation of satellite spectrum.

## Amid suspensions

The Bill was passed by a voice vote after a short discussion. Most of the Opposition members did not attend the House following their suspension.

The Telecom Bill, 2023 provides a mechanism to exercise the right of way for laying telecom infrastructure in public as well as private property. The Cen-



**Without opposition:** Union Minister Ashwini Vaishnaw along with MPs give voice vote on the Telecommunications Bill, 2023. ANI

tral government may provide for measures to protect users such as requiring prior consent to receive specified messages, and creation of a do not disturb register.

Authorisation will be also be required from the Central government to establish and operate telecommunications networks, provide telecommunications services or possess radio equipment.

Spectrum will be allo-

cated through auction, except for specified entities and purposes for which it will be assigned administratively.

## 'Simple authorisation'

"The Bill has clearly defined the reasons for which administratively spectrum would be allocated," Union Minister for Communications and Information Technology Ashwini Vaishnav said replying to the debate on the Bill before its passage.

"The Bill will usher in the biggest reforms in the sector ... Now there will be one simple authorisation instead of 100 licences," he said.

Telecommunication may be intercepted on specified grounds, including security of the state, public order, or prevention of offences. Telecom services may be suspended on similar grounds.

"On the occurrence of any public emergency, including disaster management, or in the interest of public safety, the Central government or a State government or any officer specially authorised in this behalf by the Central government or a State government, if satisfied that it is necessary or expedient so to do, by notification – take temporary possession of any telecommunication service or telecommunication network from an authorised entity," the Bill said.

The Bill was introduced on December 18 in the Lower House and would now be presented to the Rajya Sabha for passage.



# Govt. issues COVID alert, says no clustering of JN.1 cases

WHO classifies JN.1 as a separate variant of interest from the parent lineage of BA.2.86; Health Ministry data says that 92.8% of the cases in India were isolated at home, indicating mild illness

**Bindu Shajan Perappadan**  
NEW DELHI

Noting that the daily COVID-19 positivity rate in some States such as Kerala, Maharashtra, Jharkhand and Karnataka has risen, the Union Health Ministry on Wednesday issued an alert and said that no clustering of cases of the new JN.1 variant of SARS-CoV-2 had been reported.

"The variant is currently under intense scientific scrutiny, but not a cause of immediate concern. All JN.1 cases were found to be mild and all of them [patients] have recovered without any complications," the Ministry said.

## Steep rise in a fortnight

NITI Aayog Member (Health) V.K. Paul said India had detected 21 cases of the JN.1 sub-variant till now, and about 92% of those infected were opting for home-based treatment. "Nineteen cases of COVID-19 sub-variant JN.1 have been traced in Goa, and one each in Kerala and Maharashtra. Over the past two weeks, 16 deaths related to COVID-19 were recorded, with many of the deceased having serious



**Taking stock:** Union Health Minister Mansukh Mandaviya during a COVID-19 review meeting in New Delhi on Wednesday. ANI

co-morbidities," Dr. Paul said.

In the past two weeks, active COVID-19 cases in India, though fewer than the global counts, have seen a steep rise from 115 on December 6 to 614 on Wednesday. Ministry data notes that 92.8% of the cases were home isolated, indicating mild illness.

"No increase in hospitalisation rates has been witnessed due to COVID-19. The cases that are hospitalised are due to other medical conditions – COVID-19 is an incidental finding," Union Health Minister Mansukh Mandaviya said, following a virtual high-level COVID-19 review meeting with State Health

Ministers.

The Union Health Ministry's alert comes after the World Health Organization (WHO) classified JN.1 as a separate variant of interest (VoI) from the parent lineage BA.2.86 in view of its rapidly increasing spread. It was previously classified as a VoI that was part of the BA.2.86 sub-lineage.

"Based on the available evidence, the additional global public health risk posed by JN.1 is currently evaluated as low. Despite this, with the onset of winter in the Northern Hemisphere, JN.1 could increase the burden of respiratory infections in many countries," the WHO said.

The agency said current vaccines continued to protect against severe disease and death from JN.1 and other circulating variants of SARS-CoV-2, the virus that causes COVID-19.

The Health Ministry on Wednesday directed strengthening of the surveillance system for whole genome sequencing of positive case samples to track the variants through the Indian SARS-CoV-2 Genomics Consortium (INSACOG) network, and ensure timely detection of newer variants circulating in the country. "This would facilitate undertaking of appropriate public health measures in a timely manner," Dr. Mandaviya said.

## 'Ramp up testing'

The States have been requested to ramp up testing and refer large numbers of samples of COVID-19 positive cases and pneumonia-like illnesses to the INSACOG genome sequencing laboratories daily for sequencing and to track new variants, if any.

India has recorded 614 new coronavirus infections, the highest since May 21, according to the Health Ministry data updated on Wednesday.

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## **Sisi again**

Governing Egypt during an economic crisis is not going to be easy

**F**or Abdel Fattah El-Sisi, the Egyptian President who captured power through a military coup in 2013, winning a reelection was the easy part. In Egypt's presidential elections, sitting Presidents always win with huge margins. In the December 10-12 elections, Mr. Sisi, a former general, faced three little-known candidates, while his most vocal opponent, Ahmed Tantawy, was barred from contesting. State-affiliated media ran a campaign-like coverage, touting the President's achievements. Mr. Sisi, unsurprisingly, won 89.6% of the votes, extending his rule to 2030. The tougher part, however, is to govern the most populous Arab country, now struggling with economic and geopolitical crises. When Mr. Sisi toppled Egypt's first freely elected President, Mohamed Morsi, a Muslim Brotherhood leader, the military's narrative was that the Brothers had violated the spirit of the 2011 "revolution" that brought down the regime of dictator Hosni Mubarak. But Egypt slid back to the Mubarak years under Mr. Sisi's rule. The regime, which killed hundreds of pro-Brotherhood protesters on August 14, 2013 to restore 'order', has tolerated little criticism and dissent since then. But Mr. Sisi also projected himself as a source of stability and a bulwark against terror, and launched ambitious debt-funded infrastructure projects, including a new desert capital city outside Cairo.

When he starts a new term, what requires Mr. Sisi's attention is the economy. Hyperinflation, at 35%, has already pushed many Egyptians into poverty. External debt stood at \$162.9 billion in December 2022, some 40% of the GDP, according to the central bank. Egypt, which is facing some heavy repayments in 2024, is already in talks with the IMF and other foreign creditors for further assistance. What has made matters worse has been Israel's war on Gaza, which shares a border crossing with Egypt. Pro-Palestine sympathies have historically been high in Egypt, which signed a peace treaty with Israel in 1979. While Israel's relentless bombing pushed thousands to the border, Mr. Sisi tried to walk a fine line: publicly condemning the bombardment and calling for a ceasefire but stopping short of drastic measures that would endanger peace with Israel. Mr. Sisi has also said he would not be complicit with any Israel plan for mass eviction of Palestinians from Gaza. But if the war drags on, he will come under greater pressure to let Palestinian refugees in, which may have economic and political consequences. Between a calamitous war next door and worsening economic conditions at home, his challenge is to offer a stable rule in a country that has seen regime-changing street protests and a coup in the recent past.

## Climate action needs an updated lexicon

**M**ultiple districts in south Tamil Nadu received an astonishing amount of rainfall earlier this week. In 24 hours from 6 a.m. on December 17, Thoothukudi recorded 361.4 mm and Tiruchendur 679 mm. What was until December 16 a northeast monsoon deficit for the State swung overnight to a 5% excess. That these areas didn't suffer as much damage as Chennai (although the final picture isn't yet clear) is only because they're smaller and less built-up. Chennai received 500 mm from noon on December 2 to pre-dawn on December 5, due to Cyclone Michaung, and suffered greatly.

The question of what we consider to be 'devastating' is deceptively simple because of the shifting baseline syndrome. A syndrome is a collection of symptoms, and this one exemplifies those pertaining to memory, community knowledge, and language. For example, a community may consider a particular amount of forest cover – defined, say, by the knowledge handed down to them – to be the 'original'. But the community may be unaware that at an earlier time, there was greater forest cover.

Shifting baselines cause us to underestimate how much we have lost over time. This distortion subsequently affects how much we believe we have of that resource, how much there can be, and how much loss we are prepared to tolerate. As the impacts of climate change become clearer, we confront a different kind of shifting baseline, one that stretches into the future. For example, on a particular emissions pathway, what we considered 'awful' yesterday might really have been 'average', with 'awful' to come years later as a climate system matures. This in turn raises questions of our language and memorialisation.

Our meaning-making about the future is currently led by words that come to us as jargon from reports of various agencies. For



Vasudevan  
Mukunth

There is need to move away from the constraints of collective memory and community knowledge to enable a better official response to future challenges

example, the worst warming scenario the Intergovernmental Panel on Climate Change contends with is RCP 8.5. Countries are on one of five possible Shared Socio-economic Pathways (SSPs). Within India, 'extremely heavy' rainfall is any amount greater than 204.4 mm in 24 hours. Heatwaves are based on three conditions, two of which are deviations from a historical average and the type of local topography.

As such, these definitions are restricted to people who have a conceptual understanding of various terms. Governments translate them to actions and decisions on the ground through early-warning policies. But these are also often imperfect, such as the definitions of heatwaves not including the wet bulb temperature and rainfall alerts not accounting for real-estate development. All words that don't find mention in these definitions and reports are potentially susceptible to shifting baselines.

### Role of officials

Revising our baselines as we go along is desirable, but doing so too rapidly could get in the way of reliable communication and be resource-intensive as well. People might collectively remember something terrible they experienced, such as 500 mm of rain and 750 mm of rain, both in 24 hours, plus their respective effects, but without helpful language in the official record, only be able to differentiate between the two as time passes based on their memories.

An official vocabulary, or officialese, is crucial because it gives us a way to translate between knowledge of scenarios that are otherwise trapped within communities, by languages that typically evolve under the influence of unrelated constraints. Officialese that's localised, say by State-level laws or State government, is better because then people can use it to memorialise their lived experiences with more context

about the bigger picture.

Officialese also needs to be updated often. Consider, for example, the effects of our sense of what constitutes 'bad' pulling away from definitions put together at a time when it was less severe, reducing trust in institutions charged with helping people prepare for an impending weather anomaly. For 24-hour periods, the India Meteorological Department has one classification for more than 204.4 mm of rain: 'extremely heavy'. But while Chennai and Thoothukudi received 'extremely heavy' rainfall, equating them would be laughable.

### Understanding the human toll

Of course, the State's own accountability is important to understand 'devastation' inasmuch as it relates to the human toll. For example, the State's response to a disaster is determined to an important degree by the medical certificate of cause of death (MCCD). During the COVID-19 pandemic, the Indian government's policy for a significant period was to list a comorbidity, e.g. heart disease, as the cause in MCCDs even if a person died with COVID-19.

Similarly, State government officials descending on Ballia in Uttar Pradesh in June were eager to attribute a spate of deaths there – that a medical superintendent had blamed on heat – to comorbidities instead.

Officialese also has global implications. Developing countries have pushed back on developed countries' efforts to exclude India and China from the 'loss and damage' fund by asserting that the money should be disbursed based on the severity of climate-related disasters rather than where they occurred. For this to be possible, we need new official words to describe unprecedented amounts of rainfall, lest India find itself struggling to explain why it could deal with 'extremely heavy' rainfall on December 4 but not on December 17.

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# Outcomes of the COP-28 climate summit

What came of the first global stocktake at this year's Conference of Parties? What were the novel mechanisms introduced with respect to accelerating green finance? Why did India not sign the health and methane reduction declarations?

## EXPLAINER

Indu K. Murthy

### The story so far:

The 28th session of the Conference of Parties (COP) – an annual convening of countries signatory to the United Nations Framework Convention on Climate Change (UNFCCC) – happened in Dubai this year, with high expectations that countries would take concrete steps to address the climate crisis. The negotiations encompassed mitigation efforts, adaptation strategies, financing mechanisms, and the role of developed countries versus developing nations in climate action. The summit ended with progress on certain fronts but lingering challenges on others.

### What happened with respect to the loss and damage fund?

Following the agreement reached at COP-27 to create a 'Loss and Damage' (L&D) fund, the last year was dedicated to negotiations on fund-management and financing. In a historic decision, the fund was operationalised at COP-28.

However, only a meagre \$790 million has been pledged so far, by a few nations, despite the corpus requiring \$100 billion to more than \$400 billion a year. Notably, the U.S., the largest historical emitter, committed only \$17.5 million. Moreover, the World Bank was designated to oversee and administer the fund, but concerns originating from the experiences of developing countries with the World Bank related to questions about legal autonomy, flexibility, and decision-making authority, and general scepticism about the fund's agility in responding promptly to emergencies, have emerged. There is also a prevailing sentiment among countries that the communities affected by climate-related disasters should be able to directly access funding, preferably in the form of grants and not loans.

### What about the global stocktake?

This year's COP summit saw the first

global stocktake (GST). According to the UNFCCC, the GST 'enables countries and other stakeholders to see where they are collectively making progress towards meeting the goals of the Paris Agreement – and where they are not'.

The decision of countries' at COP-28 to transition away from fossil fuels was coupled with the ambition to triple renewable energy capacity by 2030. More than 20 countries also pledged to triple their nuclear energy capacity. However, the transition from fossil fuels is restricted to energy systems alone; they can continue to be used in the plastics, transport, and agriculture sectors. The declaration also refers to 'transitional fuels', such as natural gas, for ensuring energy security. But this falls short of true climate justice as it allows industries to continue operating in the business-as-usual mode.

Further, while the declaration called for accelerated climate mitigation, it alluded to unproven and risky technologies such as carbon capture and storage (CCS) and carbon removal. The former enables users of fossil fuels to prevent their emissions from entering the atmosphere by capturing the emissions at the source and storing them permanently underground.

### What about green finance?

The financial segment of the GST implementation framework explicitly recognises the responsibility of developed nations to take the lead in climate finance. There is also a reference to the private sector's role in addressing financial shortfalls and an imperative to supplement grant-oriented, concessional finance to enable equitable transition in developing countries. Nevertheless, specific information regarding the entities obligated to furnish this grant-based finance is lacking.

The COP-28 also witnessed the establishment of innovative global green-finance mechanisms to support developing nations in their transition to sustainable practices. The Green Climate Fund received fresh support of \$3.5 billion, allowing it to finance adaptation and mitigation projects in vulnerable

regions. An additional \$188 million was pledged to the Adaptation Fund. New partnerships between public and private sectors were forged to mobilise investments in renewable energy, sustainable agriculture, and infrastructure. The COP-28 Presidency also introduced ALTERRA, an investment initiative with an ambitious goal to globally mobilise an unprecedented sum of \$250 billion by 2030.

Despite these efforts, the available funds fall well short of the \$194-366 billion annual funding requirement for adaptation, as estimated by the United Nations.

### How did India fare at COP-28?

The UAE declaration on climate and health came into being at COP-28 through a partnership of the COP-28 Presidency with the World Health Organization. It recognises the growing health impacts of climate change and acknowledges the benefits of climate action, including a reduction in air pollution and lowering the cost of healthcare. The declaration, signed by 123 countries, has collectively committed \$1 billion to address the growing climate-health crisis. However, India didn't sign this declaration because reducing greenhouse gas (GHG) emissions in the health sector would mean reduction in emissions from gases used for cooling. As India's healthcare infrastructure is still growing, such a commitment could compromise the healthcare requirements of a growing population, particularly rural.

The Global Methane Pledge launched at COP-26 received renewed attention at COP-28, with the Climate and Clean Air Coalition becoming the new secretariat and partners of the pledge announcing more than \$1 billion in new grants for funding projects to reduce methane emissions from the agriculture, waste, and gas sectors. More than 150 countries signed the pledge to reduce methane pollution. India isn't a signatory to this pledge because it shifts focus from carbon dioxide to methane, a GHG with a lower lifetime.

Also, methane emissions in India are primarily from rice cultivation and enteric

fermentation (livestock rearing), which support the livelihoods of small and marginal farmers.

### What are the takeaways?

The COP-28 outcomes had a lot of firsts, such as the declaration on climate and health, acknowledgement of the role of nature-based solutions for biodiversity conservation and climate, and the need to transition away from fossil fuels. Some 134 countries also agreed to a landmark declaration to transition to sustainable and resilient food systems.

However, some challenges and differences between developed and developing countries remain to be addressed. One key issue of contention was fossil-fuel subsidies. While developed countries advocated for phasing them out, developing countries, including India, refused a phase-out over implications on economic growth and development.

Such a phase-out also has social implications: several communities rely on fossil fuels (coal, in India's case) for gainful employment. Moreover, emphasising the principle of common and differentiated responsibilities and the historical responsibility of developed countries for GHG emissions, developing countries argued for increasing the flow of climate finance and technologies to facilitate just job transitions and inclusive development.

Some other contentious issues spanned market mechanisms, financial resource allocation, the role of the World Bank as the agency for managing the L&D fund, and private sector engagement in climate action.

In sum, COP-28 is a mixed bag of outcomes. The commitment to ramp up renewable energy targets is a significant step forward – whereas issues on L&D metrics, fund management and disbursement, market mechanisms, risky technologies, the room left for continued use of fossil fuels in many sectors, and natural gas as a transitional fuel leave much to be desired.

Indu K. Murthy heads the Climate, Environment, and Sustainability team at the Center for Study of Science, Technology and Policy (CSTEP).

## THE GIST

▼ The 28th session of the Conference of the Parties (COP) – an annual convening of countries signatory to the United Nations Framework Convention on Climate Change (UNFCCC) – happened in Dubai this year, with high expectations that countries would take concrete steps to address the climate crisis.

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▼ The COP-28 outcomes had a lot of firsts, such as the declaration on climate and health, acknowledgement of the role of nature-based solutions for biodiversity conservation and climate, and the need to transition away from fossil fuels. Some 134 countries also agreed to a landmark declaration to transition to sustainable and resilient food systems.



# UAE plays the perfect host at COP-28, enabling a far-reaching climate deal

Held in Dubai from November 30 to December 12, the 28th Conference of Parties adopted the historic UAE Consensus on climate change, agreeing on transitioning away from fossil fuels in energy systems, in a just, orderly and equitable manner... so as to achieve net zero by 2050

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DUBAI

Naysayers have once again got their predictions wrong on Gulf countries playing host to international events. Like neighbouring Qatar did during the FIFA World Cup in 2022, the UAE hosted with *elan* the UN's Climate Change Conference summit otherwise known as COP-28 (28th Conference of Parties). The Dubai summit witnessed a climate agreement that had eluded previous summits. The appointment of an Emirati oil company chief as the COP President had earlier raised criticisms.

Held in Dubai from November 30 to December 12 – although the final deal materialised in the early hours of December 13 – COP-28 adopted the historic UAE Consensus on climate change to standing ovation from its 198 delegates.

The deal agreed on "transitioning away from fossil fuels in energy systems, in a just, orderly and equitable manner... so as to achieve net zero by 2050 in keeping with the science."

It also acknowledged the need for tripling renewables and doubling energy efficiency as well as lowering carbon and methane emissions. Furthermore, a landmark agreement was reached on



**Path to consensus:** A general view of Dubai's Expo City, the venue where the United Nations Climate Change Conference COP-28 was held in Dubai from November 30 to December 12. REUTERS

'Sustainable Agriculture, Resilient Food Systems, and Climate Action.'

#### '1.5C target'

Right from the start of the conference, COP-28 President Sultan Al Jaber, CEO of Abu Dhabi National Oil Company (ADNOC), one of the world's largest oil and gas companies, had harped on the "need to focus on our North Star of keeping 1.5C within reach" and his action spoke louder than words when he took everyone along – from lukewarm Saudi Arabia, the world's largest oil exporter, to distraught small islands staring global warming in the face – to hammer an action plan for the planet.

The UAE also scored in scaling up climate finance when President Sheikh

Mohammed bin Zayed al Nahyan pledged \$30 billion at the start of the conference while the UAE Banks Federation pledged \$278 billion in sustainable financing. Sheikh Mohamed also committed \$100 million to expand the Reaching the Last Mile (RLM) fund targeting Yemen and the 39 African countries endemic to river blindness and filariasis.

#### Key consensus

Commenting on the efficacy of COP-28, Nicholas Haslam, Head of Climate Change at Adam Smith International in the U.K., noted: "Against the odds as well as considerable scepticism, COP-28 and resulting consensus succeeded in calling for a transition away from fossil fuels in this critical decade and in

setting up a Loss and Damage Fund to deal with existing climate change. It's not enough and likely won't alter energy investment decisions at scale in the next year or two but both are key milestones that mark COP-28 as one of the most significant since Paris in 2015. Missing, however, is a firm commitment on finance from developed nations to support climate transitions and adaptation. The UAE Consensus would have been that much more powerful with finance thrown in." Mr. Haslam is an adviser on climate issues to the governments of Pakistan and Nigeria.

Unlike the Sharm al Sheikh COP-27 summit in Egypt blighted by infrastructural and logistical bottlenecks, Dubai handled its 1,00,000 delegates from

around the world with aplomb for 14 days as they hobnobbed in the venue's Blue Zone earmarked for official negotiations and high-level meetings.

As for the Green Zone open to the general public, visitor numbers swelled to as many as 4,00,000 despite the sombre mood and lofty mission that exhorted all to "unite, act, deliver". Expo City's organic farm featuring climate-resilient crops and climate-conscious cooking workshops by vegan chefs were a big draw.

#### 'Remarkable shift'

During the summit, Dubai opened phase 3 of the world's largest concentrated solar park project, with a planned capacity of 5000MW by 2030, as part of the emirate's push for clean energy. The shift from an oil economy is also evident in the emirate building the first hydropower plant in the region, a green hydrogen facility, a waste-to-energy plant and having 75% hybrid or electric-powered vehicles on its roads, according to the Dubai Media Office. This is indeed remarkable for a country that the World Wildlife Fund had in 2006 called the country with the largest per capita ecological footprint. As a water-scarce nation that depends on desalinated seawater, the UAE's energy and water consumption were among the highest.

Fossil fuel companies in the UAE are actively using carbon capture techniques to meet the country's decarbonisation goals.

Among the exhibitors in the Energy Transition Hub at COP-28 was SLB, a global technology company that is innovating in the energy sector. The SLB pavilion showcased solutions related to carbon capture and storage, methane abatement and geothermal/geo-energy.

Explaining its climate mitigation solutions, an SLB representative noted that the company has 50 years of experience advising the geothermal power industry, with involvement in 70% of all operating projects worldwide. Geo-energy, its technology for heating and cooling buildings, can reduce operational costs by up to 40% while reducing greenhouse gas emissions by up to 90%, she added.

The solutions presented by SLB at COP-28 are aligned with the Global Decarbonization Accelerator, an initiative launched by the COP-28 Presidency Team.

The UAE had declared 2023 as the Year of Sustainability, and its organisation and commitment to COP-28 has proven that the desert nation is serious about a liveable planet for the future.

(Roshin Mary George is an independent journalist based in the UAE.)